

RECEIVED

MAY 19 2009

Department of Water Resources
Eastern Region

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 75604

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant(s) Irene or Marvin Hutchings Phone 208-756-2545

Mailing address 1141 Hwy 93 S Salmon, Idaho 83467 Email _____

- ☐ 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 _____ Phone _____

Mailing address _____ Email _____

- ☐ 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.

Marvin Hutchings
Signature of Applicant or Authorized Representative

Marvin Hutchings
Print Name and Title if applicable

5/18/2009
Date

Irene Hutchings
Signature of Applicant or Authorized Representative

Irene Hutchings
Print Name and Title if applicable

5/18/2009
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**. Need to add the POD in Lot 1. Fish and Game installed a fish screen and we put in a 10" buried pipe for a closed system, changing from flood to sprinkler. The POD was moved to just below the fish screen. POD in Lot 3 is being retained for use in case of emergency.

75604

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.

		Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use		Source & Tributary
All or Part							
☐	☐	75-14598	2.68	Irrigation	4/01	to 10/31	12 Mile Creek / Salmon River
☐	☐					to	
☐	☐					to	
☐	☐					to	
☐	☐					to	
☐	☐					to	
☐	☐					to	
☐	☐					to	
☐	☐					to	

Total authorized under rights 2.68 cfs and/or ac-ft

2. Total amount of water proposed to be transferred or changed 2.68 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	
no	3	NE	NE	NW	1	19N	21E	LEMHI	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: 10" buried pipe just below the fish screen. The main delivery point comes out below Highway 93 S. There are two delivery points above Highway 93 S. Fish and Game provided a shutoff valve for the pipe.

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

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system: Easement with Deutchman- 30 feet easement for mainline

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: _____

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2**

Current Water Right No. 75-14598

Priority Date: 03/14/1889

Origin: Water Right

Basis: Decreed

Status: Active

Source: TWELVEMILE CREEK**Tributary to:** SALMON RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01 10/31	2.68 CFS		
Total Diversion		2.68 CFS		

Source and Point(s) of Diversion:

TWELVEMILE CREEK L3 (NENENW) 19N 21E 1 LEMHI

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	
19N	21E	1					3.4												3.4
							L 4												
20N	21E	36									17.0	33.2							50.2
											L 7	L 10							

Total Acres: 53.6

Conditions/Remarks:

- 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.

Documentation of Ownership of the Current Place of Use

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?

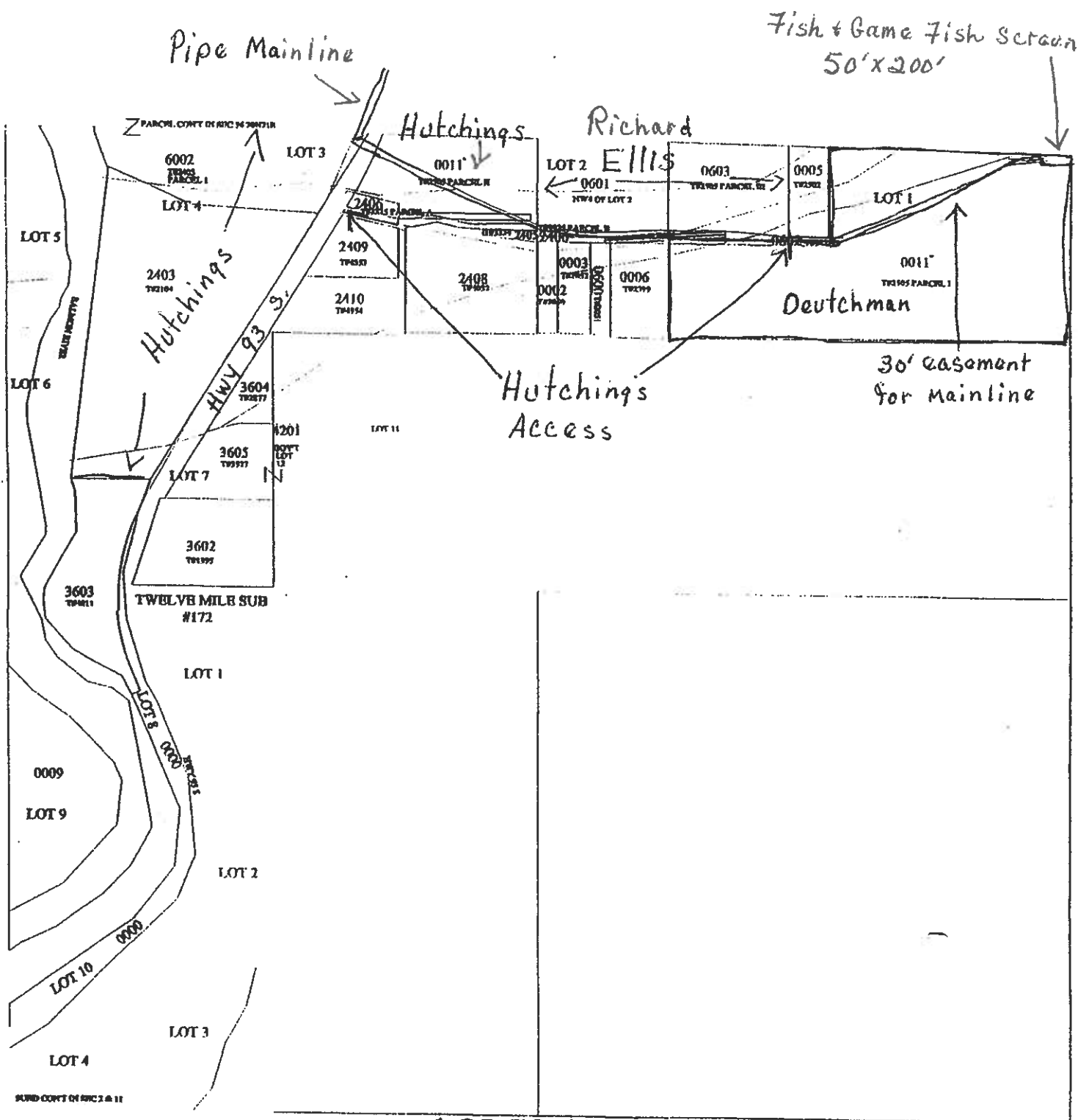
Describe the affect on the current place of use for this water right if the place of use is changed pursuant to this transfer

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?

75604

(16)
Irrigation Pipe line
drawing

N



19N21E01

75604

Idaho Department of Water Resources



Water Right
75-14598
(IRRIGATION)

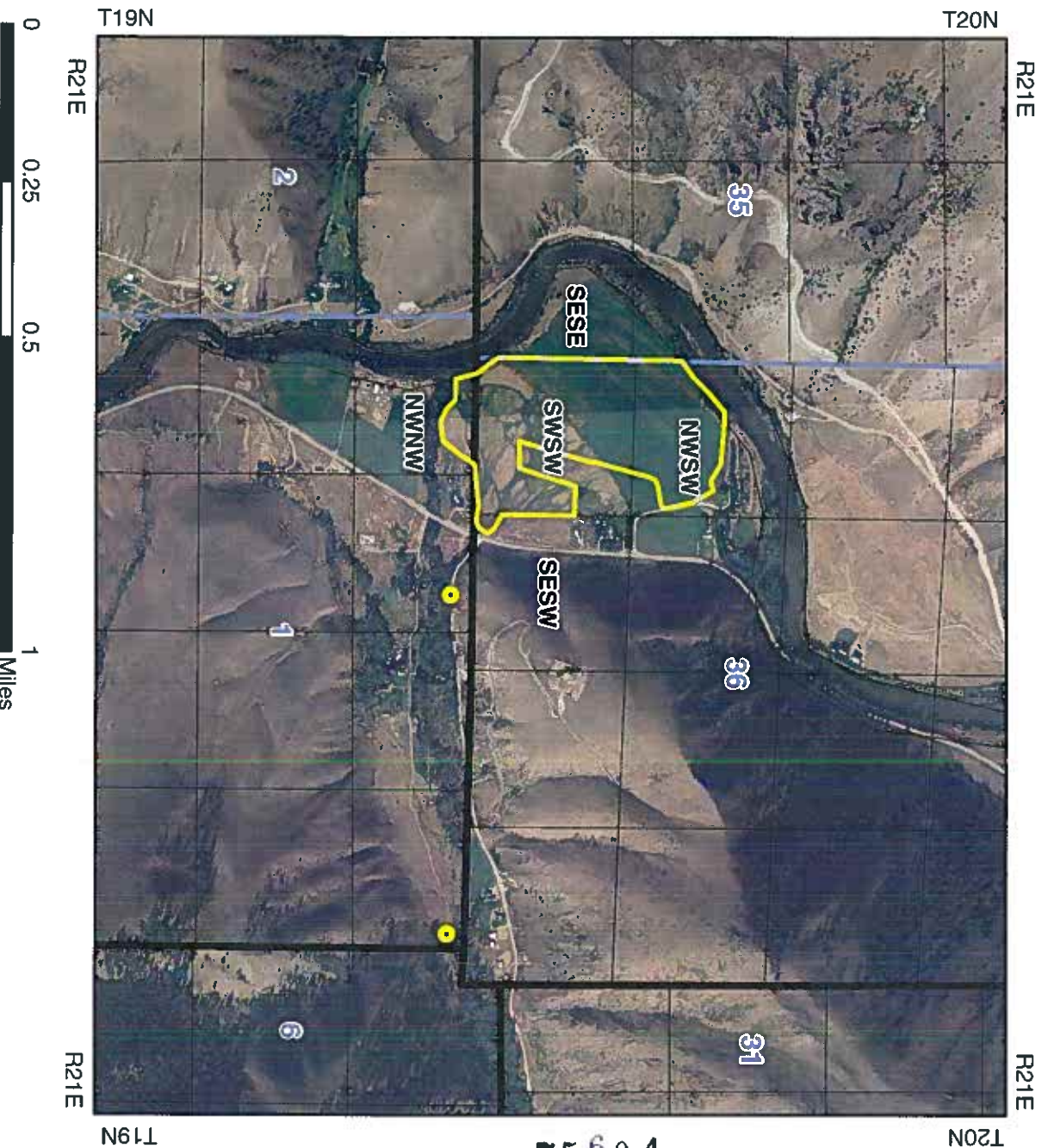
Legend

- 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



25 6 0 4

MINIMUM REQUIREMENTS CHECKLIST TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule and water right proof report or details report for Part 2A of the transfer application are available from any Department office or on the Department's website at <http://www.idwr.idaho.gov/>.

Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.

Yes N/A * Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☐ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a Proof Report (obtained from Department) or Details Report (obtained on website) describing each water right in the transfer as currently recorded.
- ☐ ☐ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application.
- ☐ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-9.

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☒ #2a Water Right ownership documentation if Dept. records do not show the transfer applicant as the current water right owner.
- ☐ ☒ #2b 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).
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☐ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at <http://www.idwr.idaho.gov/water/rights/>.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☐ ☒ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.)
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☐ #9 Other. Please describe: _____

EASEMENT AGREEMENT

SALMON 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

(12)

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

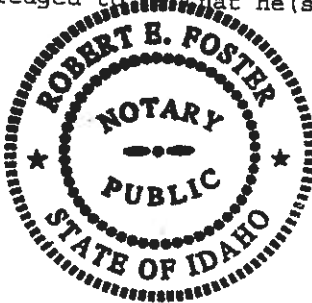
STATE OF IDAHO)
COUNTY OF Lemhi) S.S.

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 EASEMENT 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
Eastern Region

75604

13. 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

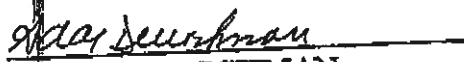
4
pipe line (or on the Hutchings property boundary to the east). The buyers understand that in order to properly install the fish screens and water diversions some trees and/or habitat may need to be removed.

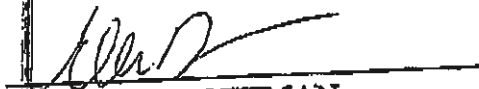
IN WITNESS WHEREOF, The parties to this agreement have executed the same, effective the day and year first above written.


MARVIN C. HUTCHINGS


IRENE D. HUTCHINGS

"SELLER"


ADAM DEUTCHMAN


ELLA DEUTCHMAN

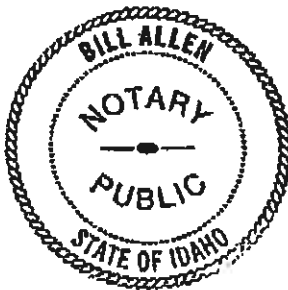
"BUYER"

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.



Notary Public for Idaho, residing at Salmon, Idaho
My commission expires: 2/19/09

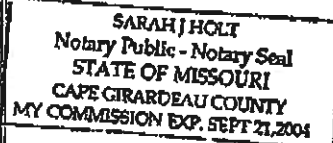
STATE OF MISSOURI

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.

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



255758

WARRANTY DEED

FOR VALUE RECEIVED, MARVIN C. HUTCHINGS and IRENE D. HUTCHINGS, husband and wife, Grantors, do Bargain, Sell and Convey unto ADAM DEUTCHMAN and ELLA DEUTCHMAN, husband and wife, Grantees, whose current address is 2705 Plymouth Drive, Cape Girardeau, Missouri 63701, the following described premises, in Lemhi County, Idaho, to-wit:

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 EASEMENT 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.

Together with all water rights and appurtenances and water rights including but not limited to a split of Idaho Water Right #75-4506A, records of Idaho Department of Water Resources as appropriate.

Subject to and reserving to Grantors, however, a pipeline easement as follows:

A 30 ft. and 50 ft. wide pipeline and maintenance easement, located in Section 1, T. 19 N., R. 21 E., Boise Meridian, Lemhi County, Idaho, the survey line more particularly described as follows:

Commencing at the S ¼ Corner of Section 36, T. 20 N., R. 21 E., from which the N ¼ Corner of said Section 1 bears N 89°02'00" W 318.45 ft., the Basis Of Bearing of this description, run thence S 33°46'39" E a distance of 614.25 ft. to a point on the easterly boundary of the 0.40 acres parcel shown on Record Of Survey Inst. No. 207029 and the POINT OF BEGINNING of the survey line and of 30 ft. wide easement, being 15 ft. on either side of said survey line:

Thence the following courses and distances along said survey line:

N 88°48'49" E	605.68 ft.;	N 89°41'35" E	202.55 ft.;
N 67°22'42" E	848.54 ft.;	N 85°56'16" E	198.34 ft.

to the POINT OF BEGINNING of the survey line of a 50 ft. wide easement, being 15 ft. on the southerly side and 35 ft. on the northerly side of said survey line.

RECEIVED

AUG 05 2009

Department of Water Resources
Eastern Region

75604

255758

Thence N 87°33'43" E a distance of 200.00 ft.

The described easement shall be perpetual in duration unless earlier abandoned or released and shall benefit and run with the lands of Grantors lying west of the lands conveyed by this deed with an approximate 8 acre parcel situate on the east side of U.S. Highway 93 and the balance being situate on the west side of U.S. Highway 93 and shall run with the lands conveyed by this deed as to the burdens created.

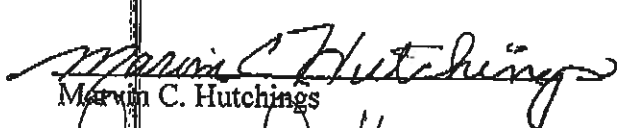
The easement area is provided for the installation, repair, upkeep, maintenance and/or replacement of a buried irrigation pipeline, up to 12 inches in diameter throughout the entire course of the described easement. The portion of the easement described as being 50 ft. in width may also be used for installation, repair, upkeep, maintenance or replacement of diversion facilities, headgates, fish screening facilities and the like associated with the diversion of Grantors and Grantees water and the division of the same to the parties in the appropriate manner.

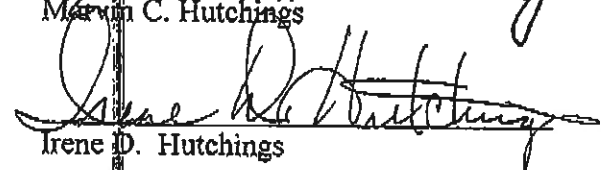
The use of the easement area, however, shall not be exclusive to Grantors, but may be used by Grantees above, so long as such use is not restrictive or an unreasonable impairment of Grantors' uses. No further uses or burdens shall be placed on the lands conveyed, nor shall the purpose of the easement change, except by consent of Grantees.

Grantors shall appropriately clean up the rocks or other debris occasioned by installation, repair, maintenance or replacement of the systems set in place by them and shall restore the areas disturbed by them to a reasonable condition with reference to condition of the area prior to the work being done.

TO HAVE AND TO HOLD the said premises, with their appurtenances, unto the said Grantees, their successors, administrators and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises; that they are free from all encumbrances save and excepting therefrom all covenants, conditions, easements and restrictions of record, as recorded in the records of Lemhi County, Idaho, and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: AUGUST 22, 2003


Marvin C. Hutchings


Irene D. Hutchings

STATE OF IDAHO)
 :SS
County of Lemhi)

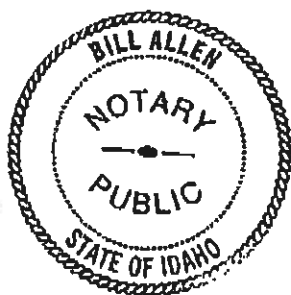
DEUTCHMAN/HUTCHINGS
Warranty Deed

Page 2 of 3

75604

On this 22nd day of August, 2003, before me, a Notary Public in and for said State, personally appeared MARVIN C. HUTCHINGS and IRENE D. HUTCHINGS known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same.

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



Terri Allen

Notary Public

My Commission Expires: 2/19/09

State of Idaho)
County of Lemhi) SS No. 255758

This instrument was filed for record at the request
of Bill Allen Escrow
at 8:33 o'clock a.m. 8/28 2003

and duly filed and indexed in the records of Lemhi
County

Terri J. Morton

Ex-Officio Recorder

By Heidi Osting Deputy

Fee 9.00

Return to BAE

Sub: Water Requirement for Marv Hutchings ranch
by Ralph Swift
District Conservationist
Salmon Office
Soil Conservation Service

11/5/89

Source of
Material

Soil Survey

Problem: Marv requested assistance in determining water required per acre for his ranch at the mouth of Twelve mile. He has 4 fields. Field 5 is on alluvial material out of the Twelve mile drainage. The soil is Burtin Flat extremely gravelly loam. Fields 1, 2 & 4 are on an old river terrace of the Salmon river overlain by alluvial material from the Twelve mile drainage. The soil is Bock gravelly loam.

Farmer
Estimates

~~Given~~ Given: The irrigation system is flood irrigation with some gravity sprinkler. The flood irrigation system is a combination contoured with corrugations. The sprinkler system is low pressure. Estimated field delivery system is 50%. The delivery ditch across the Burtin Flat soil the sand loam intake rate of 2.0-6.0" per hr. Estimated delivery is 60%.

Soils Burtin Flat extremely gravelly loam
Available water holding 30" Permeability rate 2.0-6.0" per hr
Bock gravelly loam - Available water
holding capacity 4.0" permeability rate 6.6"-20" per hr

Isl. Irr. plan
Guide & CS

Isl. Irr. Guide
Soil Survey

Isl. Irr. Guide

Given (ent)

Crop: Alf-Corn hay

Climatic Area IV

Area of Best Flat 27.2 ac
Block 57 ac

Find - Water Requirement per acre

Solution -

Peak monthly Consumptive use 6.32"
Holding Capacity 2.0"
4.0"

Net Application $3.0 \times .5 = 1.5$ "
 $4.0 \times .5 = 2.0$ "

Peak Consumption Use per day .25"/day

Net irr req for .25"/day = $.25/\text{day} \times \frac{1 \text{ cfs}}{24 \text{ ac in/day}} = .0104 \text{ cfs/acre}$

Canal Req = $.0104 / .50 \text{ eff} = .0208$
field $.6 \text{ del eff}$ = .035

$.035 \text{ cfs/acre} \times \frac{50 \text{ min in}}{\text{cfs}} = 1.73 \text{ min in/acre}$

MEMORANDUM

TO: 75-14170

FROM: Dave Tuthill *Dmc*

DATE: January 6, 2007

RE: Rate of Flow and POU

In response to Notice of Error information provided by Marvin and Irene Hutchings, I reviewed the rate of flow and place of use information for 75-14170. I found the POU information to be accurate, and I found enough documentation to justify 2.5 inches per acre, resulting in a flow rate of 4.32 cfs (as originally determined by Roxanne Brown).

Please file this memorandum and attachments with the SRBA claim file for this water right.

Claims and Recommendations for Twelvemile Creek in Basin 75

As of January 6, 2007

Prepared by: D. Tuthill

Basin	Sequence	Suff	Basis	Status	Priority	Date	Rate(cfs)	Volume	Water Use(s)	Owner(s)	Source Table
75	4107		Statutory Claim	Active	1889-03-14		0.06		IRRIGATION	MONTERO, BILL L (Current); MONTERO, P	wrAdjudicationClaim
75	4107		Beneficial Use	Disallowed	1889-03-14		0.06		IRRIGATION	MONTERO, WILLIAM L (Current)	wrAdjudicationRecommendation
75	4107 A		Beneficial Use	Active	1889-03-14		0.06		IRRIGATION	OSGOOD, DAVID R (Current); OSGOOD, P	wrAdjudicationClaim
75	4107 A		Beneficial Use	Active	1889-03-14		0.06		IRRIGATION	OSGOOD, DAVID R (Current); OSGOOD, P	wrAdjudicationRecommendation
75	4112		Statutory Claim	Active	11/23/1922		0.17		IRRIGATION, STOCKWATER	NASH, MARSHA (Current); NASH, MART	wrAdjudicationClaim
75	4112		Beneficial Use	Active	11/23/1922		0.17		IRRIGATION, STOCKWATER	NASH, MARSHA (Current); NASH, MART	wrAdjudicationRecommendation
75	4331		Statutory Claim	Active	11/23/1922		0.2		IRRIGATION	WARREN, ELAINE (Current); WARREN, P	wrAdjudicationClaim
75	4331			Disallowed	11/23/1922		0.2		IRRIGATION	WARREN, ELAINE (Current); WARREN, P	wrAdjudicationRecommendation
75	4399			See Remarks	11/23/1922		0.28		IRRIGATION		wrAdjudicationClaim
75	4399 A		Statutory Claim	Active	11/23/1922		0.12		IRRIGATION	FIRST FEDERAL AMERICA BANK (Current)	wrAdjudicationClaim
75	4399 A		Beneficial Use	Active	11/23/1922		0.12		IRRIGATION	LUCE, SANDRA (Current); LUCE, TOMMY	wrAdjudicationRecommendation
75	4400		Statutory Claim	Active	11/23/1922		1.48		IRRIGATION, STOCKWATER	FIRST FEDERAL AMERICA BANK (Current)	wrAdjudicationClaim
75	4400		Beneficial Use	Disallowed	11/23/1922		1.48		IRRIGATION, STOCKWATER	FIRST FEDERAL AMERICA BANK (Current)	wrAdjudicationRecommendation
75	4505		Beneficial Use	PARENT	1894-12-24		4.69		IRRIGATION	HUTCHINGS, IRENE (Current); HUTCHIN	wrAdjudicationClaim
75	4505			Parent	1894-12-24		4.69		IRRIGATION	HUTCHINGS, IRENE (Current); HUTCHIN	wrAdjudicationRecommendation
75	4506			See Remarks	1894-12-24		2		IRRIGATION		wrAdjudicationClaim
75	4506 A		Statutory Claim	PARENT	1894-12-24		1.9		IRRIGATION	HUTCHINGS, MARVIN C (Current)	wrAdjudicationClaim
75	4506 B		Statutory Claim	Active	1894-12-24		0.1		IRRIGATION	NASH, MARSHA (Current); NASH, MART	wrAdjudicationClaim
75	4506 B		Beneficial Use	Active	11/23/1922		0.1		IRRIGATION	ELLIS, CAROL J (Current); ELLIS, RICHAF	wrAdjudicationRecommendation
75	7015		License	Active	5/11/1971		0.1	15	IRRIGATION	ROBERSON, CAROLYN J (Current); ROBI	wrAdjudicationClaim
75	7015		License	Active	5/11/1971		0.1	17.4	IRRIGATION	ROBERSON, CAROLYN J (Current); ROBI	wrAdjudicationRecommendation
75	7374		Permit	Temporary	6/20/1983		0.82		DOMESTIC, IRRIGATION	FIRST FEDERAL SAVINGS & LOAN ASSN	wrAdjudicationClaim
75	7374 A		Permit	Temporary	6/20/1983		0.5		IRRIGATION	HUTCHINGS, IRENE D (Current); HUTCHI	wrAdjudicationClaim
75	7374 B		Permit	Active	6/20/1983		0.09		IRRIGATION	RHODES, KATHE S (Current); RHODES, P	wrAdjudicationClaim
75	7374 B		Permit	Active	6/20/1983		0.09		IRRIGATION	RHODES, KATHE S (Current); RHODES, P	wrAdjudicationRecommendation
75	11061		Beneficial Use	Closed	1872-06-01		0.02		STOCKWATER	UNITED STATES OF AMERICA ACTING T	wrAdjudicationClaim
75	11061		Beneficial Use	Closed	1876-06-01		0.02		STOCKWATER	UNITED STATES OF AMERICA ACTING T	wrAdjudicationRecommendation
75	11061		Beneficial Use	Closed	1876-06-01		0.02		STOCKWATER	UNITED STATES OF AMERICA ACTING T	wrAdjudicationRecommendation
75	11064		Beneficial Use	Closed	1872-06-01		0.02		STOCKWATER	UNITED STATES OF AMERICA ACTING T	wrAdjudicationClaim
75	13390		Reserved	Active					AVERAGE ANNUAL FLOW, BAI	UNITED STATES OF AMERICA TRUSTEE	wrAdjudicationRecommendation
75	13482		Reserved	Active					AVERAGE ANNUAL FLOW, BAI	NEZ PERCE TRIBE ACTING THROUGH T	wrAdjudicationRecommendation
75	13582		Reserved	Disallowed					AVERAGE ANNUAL FLOW, BAI	SHOSHONE-BANNOCK TRIBES (Current)	wrAdjudicationRecommendation
75	13688			Withdrawn	6/12/1960				MULTIPLE USE		wrAdjudicationClaim
75	14147		Statutory Claim	Active	1894-12-24		0.35		IRRIGATION	HUTCHINGS, MARVIN C (Current)	wrAdjudicationClaim
75	14147		Beneficial Use	Disallowed	1894-12-24		0.35		IRRIGATION	HUTCHINGS, MARVIN C (Current)	wrAdjudicationRecommendation
75	14148		Statutory Claim	Active	1894-12-24		1.55		IRRIGATION	DEUTCHMAN, ADAM (Current); DEUTCH	wrAdjudicationClaim
75	14148		Beneficial Use	Active	10/24/1918		0.14		IRRIGATION	DEUTCHMAN, ADAM (Current); DEUTCH	wrAdjudicationRecommendation
75	14167		Beneficial Use	Active	5/1/1955		0.13		IRRIGATION	LUCE, SANDRA (Current); LUCE, TOMMY	wrAdjudicationClaim
75	14167		Beneficial Use	Active	5/1/1955		0.13		IRRIGATION	LUCE, SANDRA (Current); LUCE, TOMMY	wrAdjudicationRecommendation
75	14168		Beneficial Use	Active	1889-03-14		0.27		IRRIGATION	CRANNEY, JUSTIN (Current); CRANNEY,	wrAdjudicationClaim
75	14168		Beneficial Use	Active	1889-03-14		0.27		IRRIGATION	CRANNEY, JUSTIN (Current); CRANNEY,	wrAdjudicationRecommendation
75	14169		Beneficial Use	Active	1889-03-14		0.1		IRRIGATION	OSGOOD, DAVID R (Current); OSGOOD,	wrAdjudicationClaim
75	14169		Beneficial Use	Active	1889-03-14		0.04	1	IRRIGATION	OSGOOD, DAVID R (Current); OSGOOD,	wrAdjudicationRecommendation
75	14170		Beneficial Use	Active	1889-03-14		4.32		IRRIGATION	HUTCHINGS, IRENE (Current); HUTCHIN	wrAdjudicationClaim
75	14170		Beneficial Use	Active	1889-03-14		4.51	4.32	IRRIGATION	HUTCHINGS, IRENE (Current); HUTCHIN	wrAdjudicationRecommendation
75	14268		Beneficial Use	Active	1889-03-14		0.1		IRRIGATION, STOCKWATER	RAFINER, CRAIG RAY (Current)	wrAdjudicationClaim
75	14268		Beneficial Use	Disallowed	1889-03-14		0.1		IRRIGATION, STOCKWATER	RAFINER, CRAIG RAY (Current)	wrAdjudicationRecommendation
75	14427		Beneficial Use	Active	1889-03-14		0.06		IRRIGATION	MONTERO, WILLIAM L (Current)	wrAdjudicationClaim
75	14427		Beneficial Use	Active	1889-03-14		0.06		IRRIGATION	MONTERO, WILLIAM L (Current)	wrAdjudicationRecommendation
75	14428		Beneficial Use	Active	10/24/1918		0.09		IRRIGATION	RHODES, KATHE S (Current); RHODES, P	wrAdjudicationClaim
75	14428		Beneficial Use	Active	10/24/1918		0.09		IRRIGATION	RHODES, KATHE S (Current); RHODES, P	wrAdjudicationRecommendation

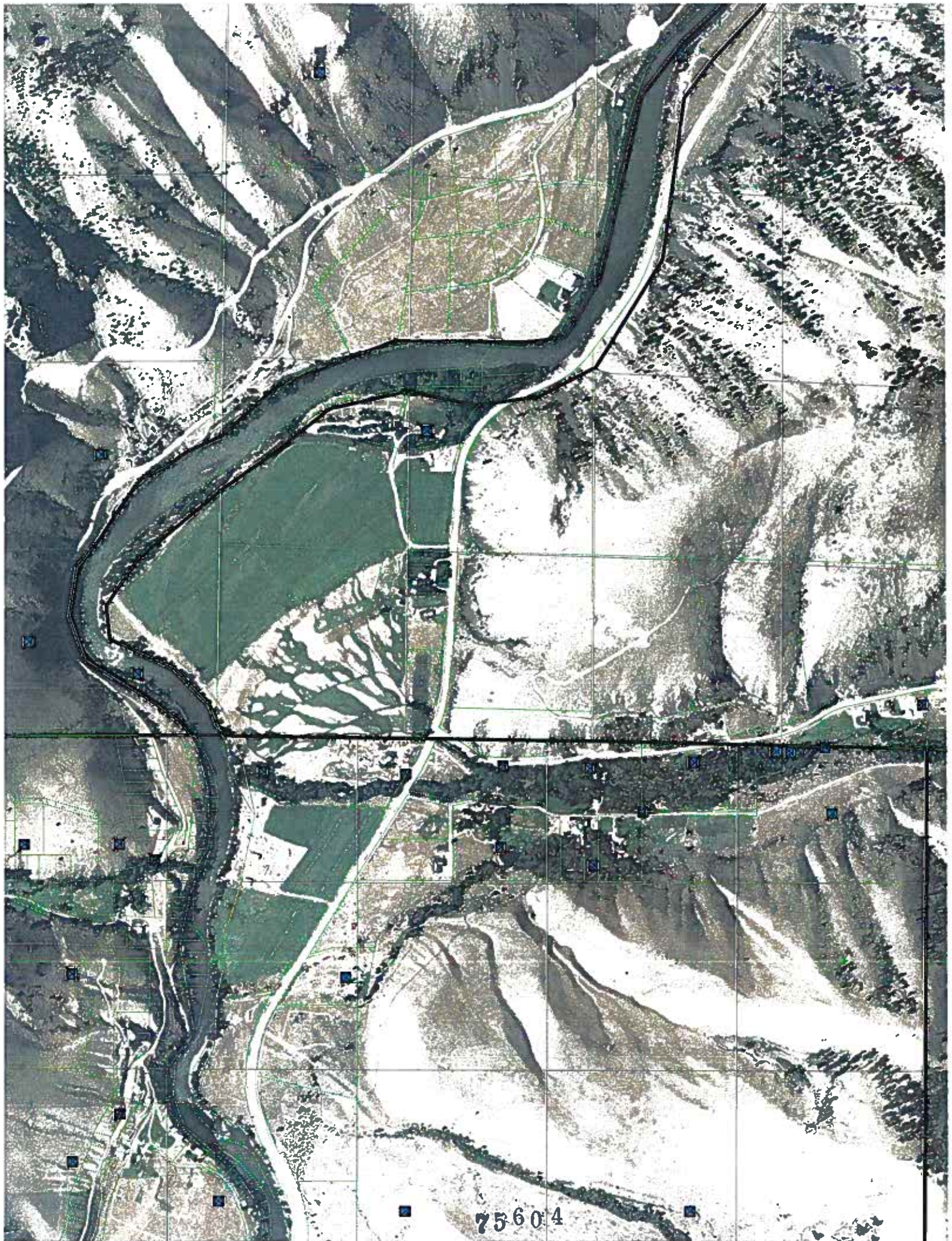
Claims and Recommendations for Twelvemile Creek in Basin 75

As of January 6, 2007

Prepared by: D. Tuthill

Basin	Sequence	Sub-Basin	Status	Priority	Date	Rate(cfs)	Volume	Water Use(s)	Owner(s)	Source Table
75	4107	Statutory Claim	Active	1889-03-14		0.06		IRRIGATION	MONTERO, BILL L (Current); MONTERO, I	wrAdjudicationClaim
75	4107 A	Beneficial Use	Active	1889-03-14		0.06		IRRIGATION	OSGOOD, DAVID R (Current); OSGOOD, I	wrAdjudicationClaim
75	4112	Statutory Claim	Active	11/23/1922		0.17		IRRIGATION, STOCKWATER	NASH, MARSHA (Current); NASH, MART	wrAdjudicationClaim
75	4331	Statutory Claim	Active	11/23/1922		0.2		IRRIGATION	WARREN, ELAINE (Current); WARREN, P	wrAdjudicationClaim
75	4399		See Remarks	11/23/1922		0.28		IRRIGATION		wrAdjudicationClaim
75	4399 A	Statutory Claim	Active	11/23/1922		0.12		IRRIGATION	FIRST FEDERAL AMERICA BANK (Curren	wrAdjudicationClaim
75	4400	Statutory Claim	Active	11/23/1922		1.48		IRRIGATION, STOCKWATER	FIRST FEDERAL AMERICA BANK (Curren	wrAdjudicationClaim
75	4505	Beneficial Use	PARENT	1894-12-24		4.69		IRRIGATION	HUTCHINGS, IRENE (Current); HUTCHIN	wrAdjudicationClaim
75	4506		See Remarks	1894-12-24		2		IRRIGATION		wrAdjudicationClaim
75	4506 A	Statutory Claim	PARENT	1894-12-24		1.9		IRRIGATION	HUTCHINGS, MARVIN C (Current)	wrAdjudicationClaim
75	4506 B	Statutory Claim	Active	1894-12-24		0.1		IRRIGATION	NASH, MARSHA (Current); NASH, MART	wrAdjudicationClaim
75	7015	License	Active	5/11/1971		0.1	15	IRRIGATION	ROBERSON, CAROLYN J (Current); ROBI	wrAdjudicationClaim
75	7374	Permit	Temporary	6/20/1983		0.82		DOMESTIC, IRRIGATION	FIRST FEDERAL SAVINGS & LOAN ASSN	wrAdjudicationClaim
75	7374 A	Permit	Temporary	6/20/1983		0.5		IRRIGATION	HUTCHINGS, IRENE D (Current); HUTCH	wrAdjudicationClaim
75	7374 B	Permit	Active	6/20/1983		0.09		IRRIGATION	RHODES, KATHE S (Current); RHODES, I	wrAdjudicationClaim
75	11061	Beneficial Use	Closed	1872-06-01		0.02		STOCKWATER	UNITED STATES OF AMERICA ACTING I	wrAdjudicationClaim
75	11064	Beneficial Use	Closed	1872-06-01		0.02		STOCKWATER	UNITED STATES OF AMERICA ACTING I	wrAdjudicationClaim
75	13688		Withdrawn	6/12/1960				MULTIPLE USE		wrAdjudicationClaim
75	14147	Statutory Claim	Active	1894-12-24		0.35		IRRIGATION	HUTCHINGS, MARVIN C (Current)	wrAdjudicationClaim
75	14148	Statutory Claim	Active	1894-12-24		1.55		IRRIGATION	DEUTCHMAN, ADAM (Current); DEUTCH	wrAdjudicationClaim
75	14167	Beneficial Use	Active	5/1/1955		0.13		IRRIGATION	LUCE, SANDRA (Current); LUCE, TOMMY	wrAdjudicationClaim
75	14168	Beneficial Use	Active	1889-03-14		0.27		IRRIGATION	CRANNEY, JUSTIN (Current); CRANNEY,	wrAdjudicationClaim
75	14169	Beneficial Use	Active	1889-03-14		0.1		IRRIGATION	OSGOOD, DAVID R (Current); OSGOOD,	wrAdjudicationClaim
75	14170	Beneficial Use	Active	1889-03-14		4.32		IRRIGATION	HUTCHINGS, IRENE (Current); HUTCHIN	wrAdjudicationClaim
75	14268	Beneficial Use	Active	1889-03-14		0.1		IRRIGATION, STOCKWATER	RAFINER, CRAIG RAY (Current)	wrAdjudicationClaim
75	14427	Beneficial Use	Active	1889-03-14		0.06		IRRIGATION	MONTERO, WILLIAM L (Current)	wrAdjudicationClaim
75	14428	Beneficial Use	Active	10/24/1918		0.09		IRRIGATION	RHODES, KATHE S (Current); RHODES, I	wrAdjudicationClaim
75	4107	Beneficial Use	Disallowed	1889-03-14		0.06		IRRIGATION	MONTERO, WILLIAM L (Current)	wrAdjudicationRecommendation
75	4107 A	Beneficial Use	Active	1889-03-14		0.06		IRRIGATION	OSGOOD, DAVID R (Current); OSGOOD,	wrAdjudicationRecommendation
75	4112	Beneficial Use	Active	11/23/1922		0.17		IRRIGATION, STOCKWATER	NASH, MARSHA (Current); NASH, MART	wrAdjudicationRecommendation
75	4331		Disallowed	11/23/1922		0.2		IRRIGATION	WARREN, ELAINE (Current); WARREN, P	wrAdjudicationRecommendation
75	4399 A	Beneficial Use	Active	11/23/1922		0.12		IRRIGATION	LUCE, SANDRA (Current); LUCE, TOMMY	wrAdjudicationRecommendation
75	4400	Beneficial Use	Disallowed	11/23/1922		1.48		IRRIGATION, STOCKWATER	FIRST FEDERAL AMERICA BANK (Curren	wrAdjudicationRecommendation
75	4505		Parent	1894-12-24		4.69		IRRIGATION	HUTCHINGS, IRENE (Current); HUTCHIN	wrAdjudicationRecommendation
75	4506 B	Beneficial Use	Active	11/23/1922		0.1		IRRIGATION	ELLIS, CAROL J (Current); ELLIS, RICHAF	wrAdjudicationRecommendation
75	7015	License	Active	5/11/1971		0.1	17.4	IRRIGATION	ROBERSON, CAROLYN J (Current); ROBI	wrAdjudicationRecommendation
75	7374 B	Permit	Active	6/20/1983		0.09		IRRIGATION	RHODES, KATHE S (Current); RHODES, I	wrAdjudicationRecommendation
75	11061	Beneficial Use	Closed	1876-06-01		0.02		STOCKWATER	UNITED STATES OF AMERICA ACTING I	wrAdjudicationRecommendation
75	11061	Beneficial Use	Closed	1876-06-01		0.02		STOCKWATER	UNITED STATES OF AMERICA ACTING I	wrAdjudicationRecommendation
75	13390	Reserved	Active					AVERAGE ANNUAL FLOW, BAI	UNITED STATES OF AMERICA TRUSTEE	wrAdjudicationRecommendation
75	13482	Reserved	Active					AVERAGE ANNUAL FLOW, BAI	NEZ PERCE TRIBE ACTING THROUGH T	wrAdjudicationRecommendation
75	13582	Reserved	Disallowed					AVERAGE ANNUAL FLOW, BAI	SHOSHONE-BANNOCK TRIBES (Current	wrAdjudicationRecommendation
75	14147	Beneficial Use	Disallowed	1894-12-24		0.35		IRRIGATION	HUTCHINGS, MARVIN C (Current)	wrAdjudicationRecommendation
75	14148	Beneficial Use	Active	10/24/1918		0.14		IRRIGATION	DEUTCHMAN, ADAM (Current); DEUTCH	wrAdjudicationRecommendation
75	14167	Beneficial Use	Active	5/1/1955		0.13		IRRIGATION	LUCE, SANDRA (Current); LUCE, TOMMY	wrAdjudicationRecommendation
75	14168	Beneficial Use	Active	1889-03-14		0.27		IRRIGATION	CRANNEY, JUSTIN (Current); CRANNEY,	wrAdjudicationRecommendation
75	14169	Beneficial Use	Active	1889-03-14		0.04		IRRIGATION	OSGOOD, DAVID R (Current); OSGOOD,	wrAdjudicationRecommendation
75	14170	Beneficial Use	Active	1889-03-14		1.51		IRRIGATION	HUTCHINGS, IRENE (Current); HUTCHIN	wrAdjudicationRecommendation
75	14268	Beneficial Use	Disallowed	1889-03-14		0.1		IRRIGATION, STOCKWATER	RAFINER, CRAIG RAY (Current)	wrAdjudicationRecommendation
75	14427	Beneficial Use	Active	1889-03-14		0.06		IRRIGATION	MONTERO, WILLIAM L (Current)	wrAdjudicationRecommendation
75	14428	Beneficial Use	Active	10/24/1918		0.09		IRRIGATION	RHODES, KATHE S (Current); RHODES, I	wrAdjudicationRecommendation

75604



Database Information for Twelvemile Creek, Basin 75

Prepared by: D. Tuthill, December 21, 2006

Basin	Sequence	Suffix	Basis	Status	Priority	Date	Rate(cfs)	Volume	Water Use	Owner(s)	Source	Table
75	4107		Statutory Claim	Active	1889-03-14		0.06		IRRIGATIC MONTERC	wrAdjudicationClaim		
75	4107	A	Beneficial Use	Active	1889-03-14		0.06		IRRIGATIC OSGOOD,	wrAdjudicationClaim		
75	4112		Statutory Claim	Active	11/23/1922		0.17		IRRIGATIC NASH, M/	wrAdjudicationClaim		
75	4331		Statutory Claim	Active	11/23/1922		0.2		IRRIGATIC WARREN,	wrAdjudicationClaim		
75	4399			See Rema	11/23/1922		0.28		IRRIGATION	wrAdjudicationClaim		
75	4399	A	Statutory Claim	Active	11/23/1922		0.12		IRRIGATIC FIRST FEL	wrAdjudicationClaim		
75	4400		Statutory Claim	Active	11/23/1922		1.48		IRRIGATIC FIRST FEL	wrAdjudicationClaim		
75	4505		Beneficial Use	PARENT	1894-12-24		4.69		IRRIGATIC HUTCHIN	wrAdjudicationClaim		
75	4506			See Rema	1894-12-24		2		IRRIGATION	wrAdjudicationClaim		
75	4506	A	Statutory Claim	PARENT	1894-12-24		1.9		IRRIGATIC HUTCHIN	wrAdjudicationClaim		
75	4506	B	Statutory Claim	Active	1894-12-24		0.1		IRRIGATIC NASH, M/	wrAdjudicationClaim		
75	7015		License	Active	5/11/1971		0.1	15	IRRIGATIC ROBERSC	wrAdjudicationClaim		
75	7374		Permit	Temporary	6/20/1983		0.82		DOMESTIC FIRST FEL	wrAdjudicationClaim		
75	7374	A	Permit	Temporary	6/20/1983		0.5		IRRIGATIC HUTCHIN	wrAdjudicationClaim		
75	7374	B	Permit	Active	6/20/1983		0.09		IRRIGATIC RHODES,	wrAdjudicationClaim		
75	11061		Beneficial Use	Closed	1872-06-01		0.02		STOCKW/ UNITED S'	wrAdjudicationClaim		
75	11064		Beneficial Use	Closed	1872-06-01		0.02		STOCKW/ UNITED S'	wrAdjudicationClaim		
75	13688			Withdrawn	6/12/1960				MULTIPLE USE	wrAdjudicationClaim		
75	14147		Statutory Claim	Active	1894-12-24		0.35		IRRIGATIC HUTCHIN	wrAdjudicationClaim		
75	14148		Statutory Claim	Active	1894-12-24		1.55		IRRIGATIC DEUTCHW	wrAdjudicationClaim		
75	14167		Beneficial Use	Active	5/1/1955		0.13		IRRIGATIC LUCE, SA	wrAdjudicationClaim		
75	14168		Beneficial Use	Active	1889-03-14		0.27		IRRIGATIC CRANNEY	wrAdjudicationClaim		
75	14169		Beneficial Use	Active	1889-03-14		0.1		IRRIGATIC OSGOOD,	wrAdjudicationClaim		
75	14170		Beneficial Use	Active	1889-03-14		4.32		IRRIGATIC HUTCHIN	wrAdjudicationClaim		
75	14268		Beneficial Use	Active	1889-03-14		0.1		IRRIGATIC RAFINER,	wrAdjudicationClaim		
75	14427		Beneficial Use	Active	1889-03-14		0.06		IRRIGATIC MONTERC	wrAdjudicationClaim		
75	14428		Beneficial Use	Active	10/24/1918		0.09		IRRIGATIC RHODES,	wrAdjudicationClaim		
75	4107		Beneficial Use	Disallowed	1889-03-14		0.06		IRRIGATIC MONTERC	wrAdjudicationRecommendation		
75	4107	A	Beneficial Use	Active	1889-03-14		0.06		IRRIGATIC OSGOOD,	wrAdjudicationRecommendation		
75	4112		Beneficial Use	Active	11/23/1922		0.17		IRRIGATIC NASH, M/	wrAdjudicationRecommendation		
75	4331			Disallowed	11/23/1922		0.2		IRRIGATIC WARREN,	wrAdjudicationRecommendation		
75	4399	A	Beneficial Use	Active	11/23/1922		0.12		IRRIGATIC LUCE, SA	wrAdjudicationRecommendation		
75	4400		Beneficial Use	Disallowed	11/23/1922		1.48		IRRIGATIC FIRST FEL	wrAdjudicationRecommendation		
75	4505			Parent	1894-12-24		4.69		IRRIGATIC HUTCHIN	wrAdjudicationRecommendation		
75	4506	B	Beneficial Use	Active	11/23/1922		0.1		IRRIGATIC ELLIS, CA	wrAdjudicationRecommendation		
75	7015		License	Active	5/11/1971		0.1	17.4	IRRIGATIC ROBERSC	wrAdjudicationRecommendation		
75	7374	B	Permit	Active	6/20/1983		0.09		IRRIGATIC RHODES,	wrAdjudicationRecommendation		
75	11061		Beneficial Use	Closed	1876-06-01		0.02		STOCKW/ UNITED S'	wrAdjudicationRecommendation		
75	11061		Beneficial Use	Closed	1876-06-01		0.02		STOCKW/ UNITED S'	wrAdjudicationRecommendation		
75	13390		Reserved	Active					AVERAGE UNITED S'	wrAdjudicationRecommendation		
75	13482		Reserved	Active					AVERAGE NEZ PERC	wrAdjudicationRecommendation		
75	13582		Reserved	Disallowed					AVERAGE SHOSHON	wrAdjudicationRecommendation		
75	14147		Beneficial Use	Disallowed	1894-12-24		0.35		IRRIGATIC HUTCHIN	wrAdjudicationRecommendation		
75	14148		Statutory Claim	Active	10/24/1918		0.14		IRRIGATIC DEUTCHW	wrAdjudicationRecommendation		
75	14167		Beneficial Use	Active	5/1/1955		0.13		IRRIGATIC LUCE, SA	wrAdjudicationRecommendation		
75	14168		Beneficial Use	Active	1889-03-14		0.27		IRRIGATIC CRANNEY	wrAdjudicationRecommendation		
75	14169		Beneficial Use	Active	1889-03-14		0.04		IRRIGATIC OSGOOD,	wrAdjudicationRecommendation		
75	14170		Beneficial Use	Active	1889-03-14		1.51		IRRIGATIC HUTCHIN	wrAdjudicationRecommendation		
75	14268		Beneficial Use	Disallowed	1889-03-14		0.1		IRRIGATIC RAFINER,	wrAdjudicationRecommendation		
75	14427		Beneficial Use	Active	1889-03-14		0.06		IRRIGATIC MONTERC	wrAdjudicationRecommendation		
75	14428		Beneficial Use	Active	10/24/1918		0.09		IRRIGATIC RHODES,	wrAdjudicationRecommendation		

Hutchins
to Dobbs
to Ellis
(Nash?)
W & H
Purchased in
Aug 06

75	7015	Closed	5/11/1971	0.1	15	IRRIGATIC TICKNER, wrWaterApplication
75	7603	Closed	3/30/1993	0.06		IRRIGATIC WILSON, (wrWaterApplication
75	7655	Closed	6/6/1997	0.06		IRRIGATIC HAWKINS wrWaterApplication
75	4107	Statutory Claim	Active 1889-03-14	0.04		IRRIGATIC SLICTON, wrWaterRight
75	4112	Statutory Claim	Active 11/23/1922	0.26		DOMESTIC DONALDS wrWaterRight
75	4115	Statutory Claim	Active 1890-04-01	0.04		IRRIGATIC FLETCHER wrWaterRight
75	4331	Statutory Claim	Active 11/23/1922	0.2		IRRIGATIC CAPPS, R wrWaterRight
75	4369	Statutory Claim	Active 11/23/1922	1.6		IRRIGATIC FIRST FEI wrWaterRight
75	4374	Statutory Claim	Active 5/15/1969	0.09		IRRIGATIC MC DONA wrWaterRight
75	4387	Statutory Claim	Active 11/23/1922	0.12		IRRIGATIC RACKHAM wrWaterRight
75	4399	Statutory Claim	Active 11/23/1922	0.28		IRRIGATIC FIRST FEI wrWaterRight
75	4400	Statutory Claim	Active 11/23/1922	1.48		IRRIGATIC FIRST FEI wrWaterRight
75	4505	Statutory Claim	Active 4/1/1922	8.69		IRRIGATIC HUTCHIN wrWaterRight
75	4506	Statutory Claim	Active 11/23/1922	2		IRRIGATIC HUTCHIN wrWaterRight
75	7015	License	Active 5/11/1971	0.1	15	IRRIGATIC TICKNER, wrWaterRight
75	11061	Decreed	Active 1876-06-01	0.02		STOCKW/ UNITED S' wrWaterRight
75	11333	Disallowed	11/5/1906			AVERAGE UNITED S' wrWaterRight
75	11351	Disallowed	6/12/1960			MULTIPLE UNITED S' wrWaterRight
75	7015	Closed	5/11/1971	0.1	15	IRRIGATIC TICKNER, wrWaterPermit
75	7374 A	Active	6/20/1983	0.7		DOMESTIC FIRST FEI wrWaterPermit
75	7374 B	Active	6/20/1983	0.12		DOMESTIC MARTENS wrWaterPermit
75	7603	Active	3/30/1993	0.06		IRRIGATIC WILSON, (wrWaterPermit
75	7655	Active	6/6/1997	0.06		IRRIGATIC HAWKINS wrWaterPermit
75	4107 A	Withdrawn	1889-03-14	0.06		IRRIGATION xrFromAdjClaimList
75	4107 A	Withdrawn	1889-03-14	0.06		IRRIGATION xrToAdjClaimList
75	14167	Withdrawn	5/1/1955	0.13		IRRIGATION xrFromAdjClaimList
75	14167	Withdrawn	5/1/1955	0.13		IRRIGATION xrToAdjClaimList
75	14169	Withdrawn	1889-03-14	0.04		IRRIGATION xrFromAdjClaimList
75	14169	Withdrawn	1889-03-14	0.04		IRRIGATION xrToAdjClaimList

Split/Overlap Analysis – Water Right No. 25-4505

Twp	Rng	Sec	Q-Q	Lot	Water Right Number			
19N	21E	1	NENW	3	75-4505	Craney	Osgood	Hutchings
			NENW	4	5.0			5.8
20N	21E	35	SESE		12.3			12.3
		36	NESW	8	7.8	5.0		2.8
			NWNW	7	23.6	0.5		23.1
			JWSW	10	39.3		1.8	37.5
			JESW		1.0		0.2	0.8
					94.8	5.5	2.0	87.3
					75-14168	14169	14170	

Right No.	Rate of Diversion	Irrigated acres	Rec. Diversion (cfs)
75-4305	4.69	94.8	~ 0.05 cfs/acre
75-14168	0.11	5.5	0.27 ✓
75-14169	0.4	2	0.10 ✓
75-14170	1.51	79.3	4.32 ✓

Prepared by Roxanne Brown

3/24/2004

75604

IDWR REGIONAL OFFICE
7600 Mineral Dr., Suite 100
Coeur d' Alene, ID 83815 2087622800

FAX: 1 - 208 - 287 - 6700

ATTENTION: DAVE TUTHILL
(CELL) 208 - 870 - 0345

FROM: MARVIN & IRENE HUTCHINGS
1141 HWY. 93 S.
Salmon, ID 83467
1-208-756-2545 (cell) 208-303-7569

WELLS FARGO BANK FAX:

1 - 208 - 756 - 4958

75604

75604

WELLS FARGO BANK

DEC. 12. 2006 12:50PM

NO. 784

P. 1

0-0

NOTICE OF ERROR
REPLY

11/20/2006

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: 12/13/2006

Water right number: 75-14170

IRENE HUTCHINGS
1141 HWY 93 S
SALMON ID 83467
Telephone Number: (208) 756-2545

MARVIN C HUTCHINGS
1141 HWY 93 S
SALMON ID 83467
Telephone Number: (208) 756-2545

1. Describe the portion of the proposed recommendation with which you disagree (e.g., priority date, period of use, source).
 - (a) Amount of water per acre.
 - (b) Diversion site is shown in the wrong place.
 - (c) Total acres are wrong.
2. Describe the changes you wish to make in the proposed recommendation:
 - (a) Hutchings have had several soil and water tests conducted. They have all suggested 4.65 CFS. pg. 1-6
 - (b) Main Diversion is at top of property. (See enclosed USDA map.) Lower Diversion is also retained. pg. 7-9
 - (c) Total acreage is properly shown on enclosed USDA MAP.
3. Give a brief explanation as to why you disagree with these portions: pg. 10

Please refer to remarks below.

DATE: _____ SIGNATURE: _____
Please print your name: _____

IDWR Regional Office, 7600 Mineral Drive, Suite 100, Coeur D'Alene, ID 83815, 2087622800

(a) Original water right was filed March 20th, 1889, by R.A. Goodell, for 500 inches. Claim to a water right for high water was made July 11, 1984, with these remarks: "Soil Conservation Service analysis has concluded that 2 1/2" of water (4.54 CFS) is required to irrigate this property. Applicant has used all of the high water from 1922 or before. Claim to this water is indicated by claiming an additional 4 CFS for irrigation for the period of use from 5/15 to 7/15.

4.69 CFS was claimed for irrigation from 3/15 to 11/15, for a total of 8.69 during high water.

(b) Ralph Swift, Soil Conservation, in Nov. 5, 1989, stated: ".....Field 5 is on alluvial outwash of the 12 Mile drainage. The soil is 'Berta Flat', extremely gravelly loam. Fields 1,2,&4 are on an old river terrace of the Salmon River overlaid by alluvial material from the 12 Mile drainage. The soil is ,,,, gravelly loam."

(c) Hutchings had the diversion site changed to the top of their property to facilitate a hydro plant. The hydro system was not developed, but, the site was retained.

On July 16, 2004, Robert Foster, IDWR Salmon, said we needed to apply for a diversion change, at a cost of \$450.00. He stated the water being transferred was 5.04 CFS. pg. 11-12

"Changing point of diversion in conjunction with Upper Salmon Basin Watershed project to eliminate the lower diversion on 12 Mile Creek. Lower diversion would be retained for use in case of emergency."

On July 19, 2004, W. Roger Warner, Water Right Supervisor - Eastern Region, sent us a letter stating the transfer was not needed. "This new point of diversion already exists for right 75-4505."

On Sept. 14, 2004 he sent another letter stating: "Upon further review, it appears that an existing earlier transfer application (T3164) was approved for the pipeline project and remains in effect." pg. 13

On Sept. 17, 2004, Hutchings was refunded the \$450.00. (Refund on rcpt# E030053) pg. 14

NOWLAS OORVA STEW

DEC 12 2006 12:50PM

75604

March 11th 1889

Notice is hereby given that I the undersigned Citizen of the United States do claim and locate 500 inches of Water for irrigation and other purposes. Said water to be measured under a four inch pressure and taken out of 12 mile creek in Benki County Idaho Territory, at a point about half a mile above the mouth of said Creek where it empties into Salmon River on the west side 12 miles South of Salmon City. Said water to be conveyed in two ditches of sufficient capacity to convey same, one on each side of the creek.

R. A. Goodell

Filed for record Mar 20th 1889 at 11⁴⁵ A.M. and duly recorded in Book
 11 of Water Rights page 200.

Timothy Dord
 Co. Recorder

Split/Overlap Analysis – Water Right No. 25-4505

[illegible]

Right No.	Rate of Diversion	Irrigated acres	Rec. Diversion (cfs)
75-4505	4.69	94.8	~ 0.65 cfs/acre
75-14168	0.11	5.5	0.27
75-14169	0.4	2	0.10
75-14170	1.51	79.3	4.32

Prepared by Roxanne Brown

3/24/2004

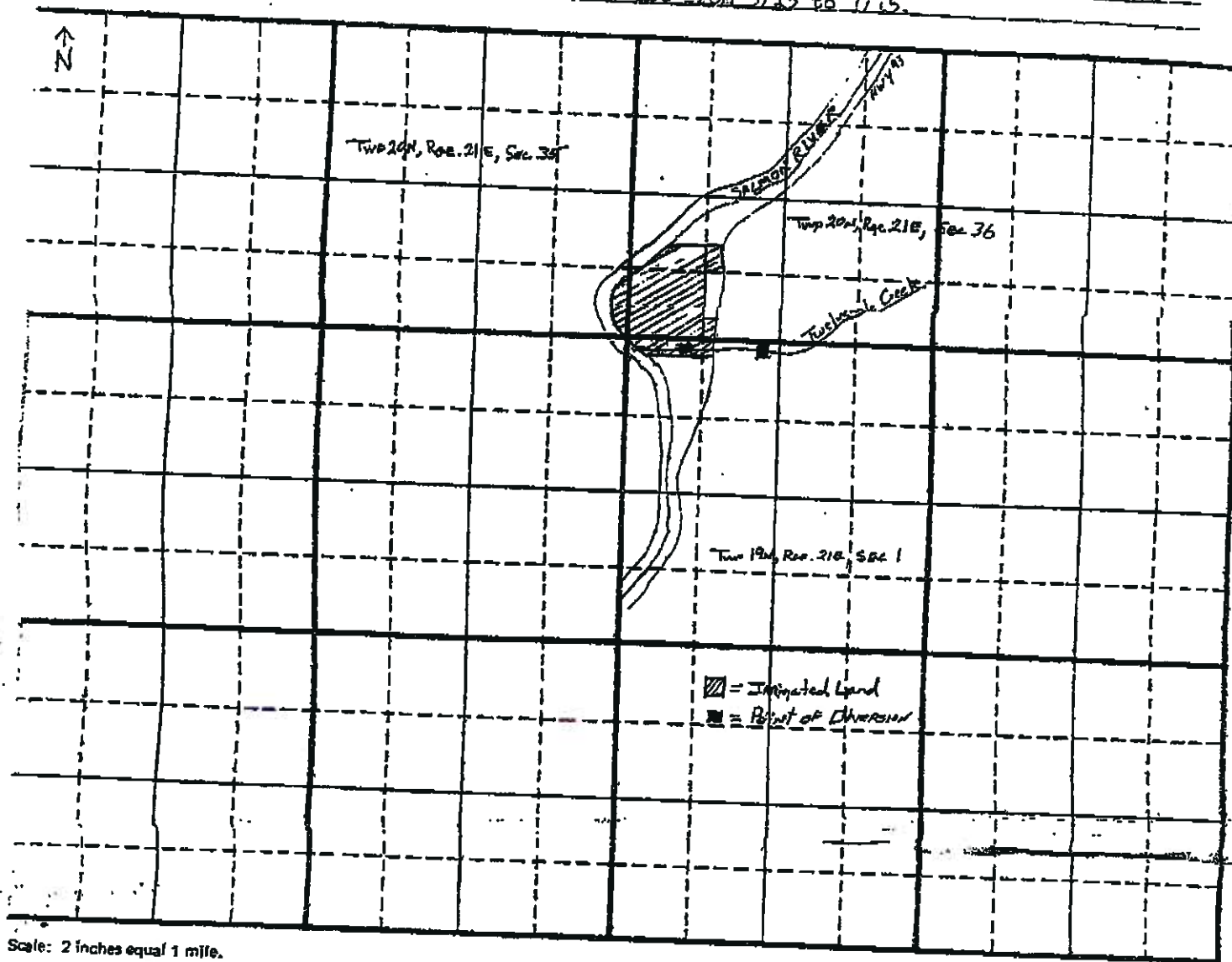
WELLS FARGO SALMON

DEC. 12. 2006 12:50PM

75604

NO. 784 P. 4

(8) Remarks Soil Conservation Service analysis has concluded that 2 1/2" of water (4.54 CFS) is required to irrigate this property. Applicant has also used all of the high water from 1922 or before. Claim to this water is indicated by claiming an additional 4 CFS for irrigation for the period of use from 5/15 to 7/15.



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)

County of Lemhi) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this 11th day of July

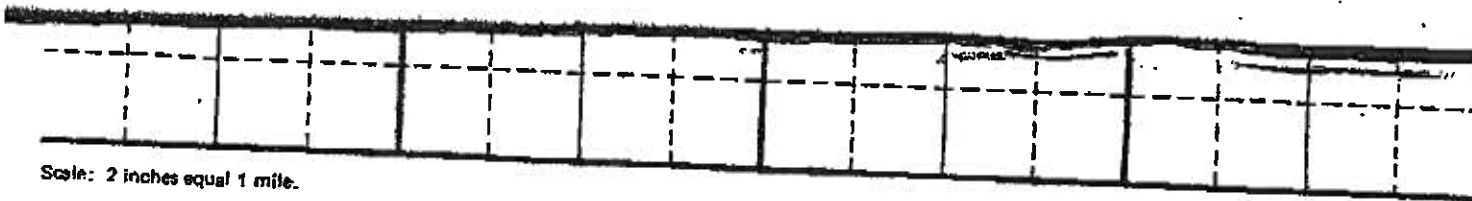
Margaret C. Hetchings
(Claimant)

19 84

(3)

DEC. 12. 2006 12:51 PM WELLS FARGO SALMON

75604



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho

County of Lemhi ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this 11th day of July

Martin C. Hitchings
(Claimant)
19 84

Beverly J. Elder
Notary Public
Residing at Salmon, Idaho

My commission expires Life

FOR DEPARTMENT USE ONLY

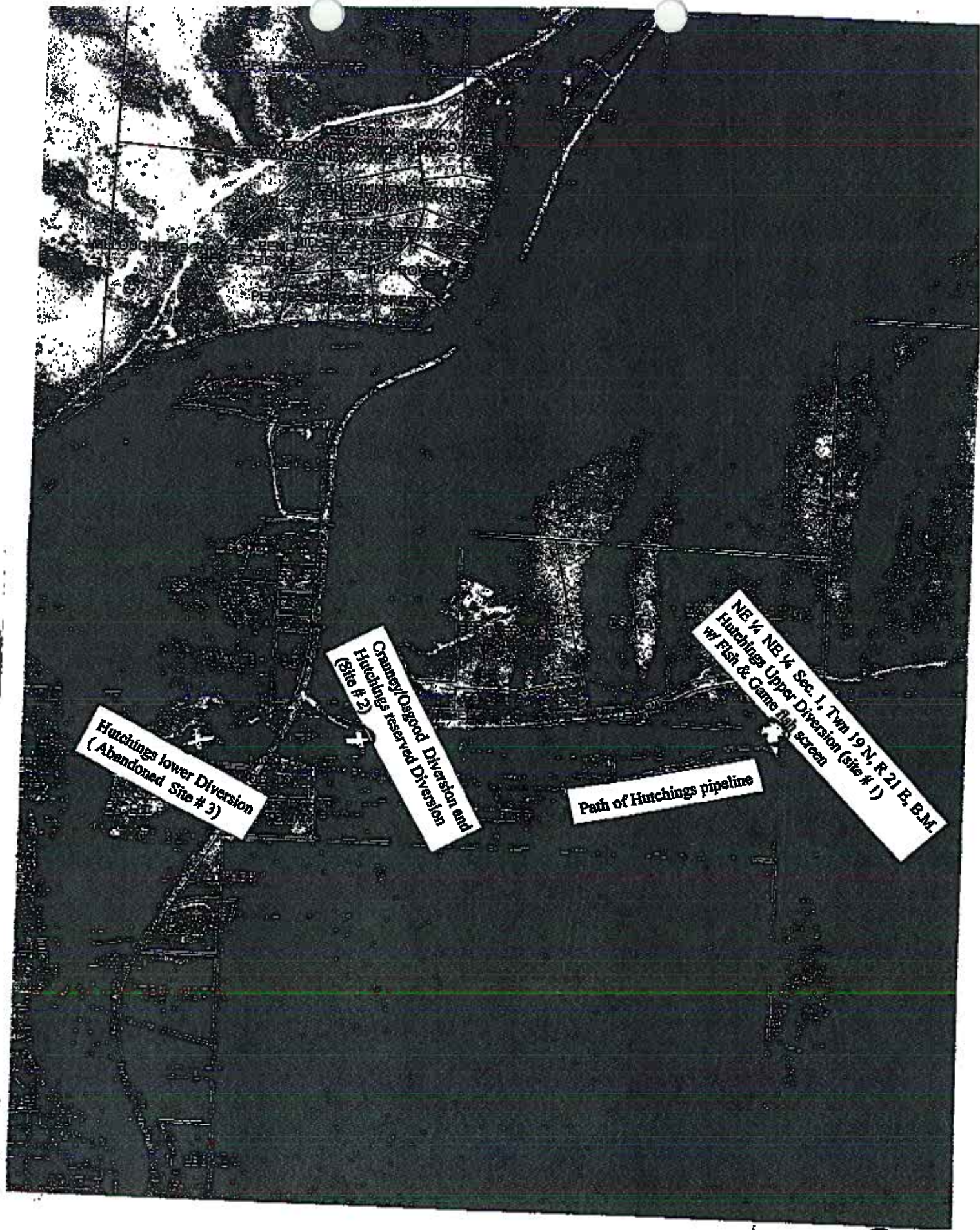
Received by <u>CW</u>	Date <u>7-13-84</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>bn</u>	Date <u>7/17/84</u>		claimant by:	
\$36.00 fee received by <u>CW</u>	Date <u>7-13-84</u>	#34236		
Published in <u>Boise Herald</u>				
Dates <u>Aug. 7 & 9, 1984</u>				

75604

WELLS FARGO SALMON

DEC. 12. 2006 12:51PM

NO. 784 P. 6



EASEMENT AGREEMENT

SALMON 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 fishscreen 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.

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

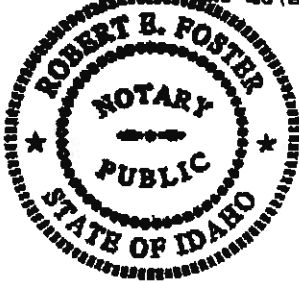
Marvin Hutchings
STATE OF IDAHO)
COUNTY OF Lemhi) S.S.

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,

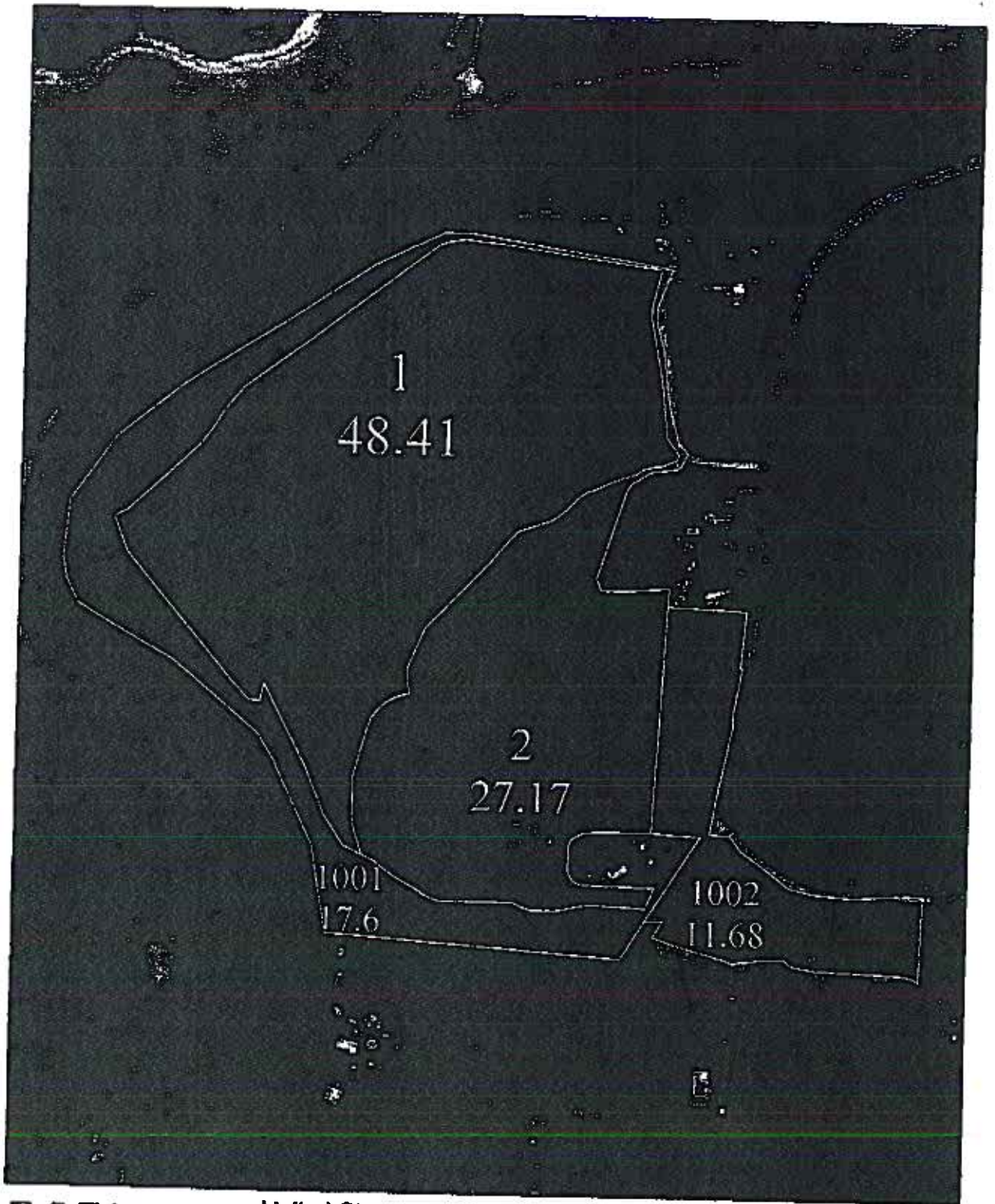
_____, a notary public, personally appeared,

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 _____



United States Department of Agriculture
Farm Service Agency

Lemhi/North Custer
December 11, 2006

FSN 166 Tract 222

Legend

- Wetlands
- Fields, Boundaries



1,200 1,800 2,400
Feet

40604

WELLS FARGO SALMON

DEC. 12. 2006 12:52PM

NO. 784 P. 12

(Internet)

Page _____ of _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

RECEIVED
JUL 16 2004

Name of applicant MARVIN C. & Irene HUTCHING Phone (208) 756-2594
Post Office address 1141 Hwy 93 S. Salmon ID 83467

Department of Water Resources
Eastern Region

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 the reason for the proposed changes Changing point of diversion in conjunction with Upper Salmon Basin Watershed project to eliminate the former diversion on 12 mile Creek. Lower diversion would be retained for use in case of emergency.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>75-4505</u>	<u>12/24/1894</u>	<u>4.69 cfs</u>	<u>irrigation</u>	<u>3/15</u> to <u>11/15</u>
<u>75-14147</u>	<u>12/24/1894</u>	<u>.35 cfs</u>	<u>irrigation</u>	<u>3/15</u> to <u>11/15</u>
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____

2. Total amount of water being transferred 5.04 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water Twelve mile Creek tributary to Salmon River

4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	SE	SE	SE	36	20N	21E	Lemhi	

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
19N	21E	1					5.0	5.8											10.8
20N	21E	35					6.3	6.4											12.7
20N	21E	36									7.8	23.6	32.3	1.0					78.7
											6.8	6.7	6.0						

Total acres 101.8

PART 3**B. CHANGES IN NATURE OF USE**

1	<u>New Nature of Use</u>	<u>Amount</u> (cfs/ac-ft)	<u>Hours/days/year</u>	<u>Period of Use</u>
				to _____
				to _____

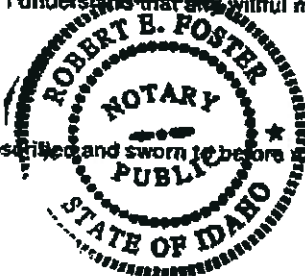
2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. 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 voiding its approval.

Subscribed and sworn to before me this _____ day of _____, 2004.



[Signature]
(Signature of Applicant)

[Signature]
(Notary Public)

My commission expires 02-16-07**FOR DEPARTMENT USE ONLY**

Transfer contains _____ pages and _____ attachments

Received by _____ Date _____ Protest filed by _____

Prelim. check by _____ Fee 450.00Receipted by SL Date 7/16/04 E630053

Published in _____ Copies of protest forwarded by _____

Pub. dates _____ Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. SKYLINE DR., SUITE A, IDAHO FALLS, ID 83402-1718

PHONE: (208) 525-7161 FAX: (208) 525-7177 WEB SITE: www.idwr.state.id.us

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 14, 2004

Marvin C. or Irene Hutchings
1141 Hwy 93 S
Salmon, ID 83467

Re: Application for Transfer, Receipt No. E030053

Dear Mr. and Mrs. Hutching

Please find enclosed a letter I received from a Mr. Kent Foster, Attorney representing Adam and Ella Deutchman, addressed to you relative to the pipeline project.

Upon further review, it appears that an existing earlier transfer application (T3164) was approved for the pipeline project and remains in effect. A new transfer application would be redundant and unnecessary.

I look forward to a request for the refund of the transfer application fee associated with receipt number listed above. Please free to call should you have any questions.

Sincerely,

W. Roger Warner
Water Right Supervisor -- Eastern Region

Enclosure: Letter from Kent Foster to Hutchings dated August 25, 2004

CC: Bob Foster -- IDWR Salmon
Roxanne Brown -- IDWR SO

75604

WELLS FARGO SALMON

DEC. 12. 2006 12:53PM

NO. 784

P. 15

13-4505

IF YOU HAVE QUESTIONS CONCERNING THIS PAYMENT PLEASE CONTACT
THE "PAYING AGENCY" SHOWN BELOW.

PAYING AGENCY: DEPT OF WATER RESOURCES

AT: (208)327-7909

VENDOR NUMBER:

WARRANT NUMBER: 118371307

WARRANT DATE: 09/17/04

STATE OF IDAHO

INVOICE NO./ACCOUNT NO.	DESCRIPTION	AMOUNT
	REFUND ON RCPT# E030053	\$450.00

WARRANT TOTAL: \$450.00

THIS WARRANT CONTAINS MULTIPLE FRAUD DETERRENT SECURITY FEATURES

STATE CONTROLLER'S WARRANT
DRAWN ON RON S. CRANE, STATE TREASURER
360 118371307 09/17/04
AGENCY WARRANT NO. DATE

PAY MARVIND &/OR IRENE HUTCHING
TO THE 1141 HWY 93 S
ORDER OF SALMON, ID 83467

WELLS FARGO, N.A.,
BOISE, ID

92-6/1241

Warrant Can Not Be
Converted To Electronic Debt

\$450.00
AMOUNT

Keith Johnson
Keith Johnson, State Controller

⑈0118371307⑈ ⑆124100064⑆ 5130000010⑈



75604

PART 1.**6. General Information:**

- a. Description of diversion system earthen ditches 3' x 3' with rock diversion & wing dam.
for lower diversions, cement headgate at upper diversion.

- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes X No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
No change in place of use

- d. Remarks:

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 75-4505

And said application is hereby APPROVED, subject to the following limitations and conditions:

Approval of this transfer in no way confirms the right claimed.

MICROFILMED**MAR 14 1990**

Witness my hand this

31st

day of

January, 19 90J. Blum Saylor
Chief, Water Alloc. Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. 75-4505 on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☒ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water Twelvemile Creek tributary to Salmon River

4. Date or priority April 1, 1922

5. Water is used for the following purpose:

amount 4.69 cfs for irrigation purposes from 3/15 to 11/15
(cfs/ac-ft) amount 4.00 cfs for irrigation purposes from 5/15 to 7/15
(cfs/ac-ft) amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 8.69 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	NW	1	19N	21E	Lemhi	
		NW	NW	1	19N	21E	"	

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
19N	21E	1					5	5.8											10.8
20N	21E	36									6.8	23.6	39.3	1					70.7
		35															12.3		12.3

Total acres 93.8

9. Describe any other water rights used for the same purpose as described above None

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No If yes, describe _____**B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED**

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

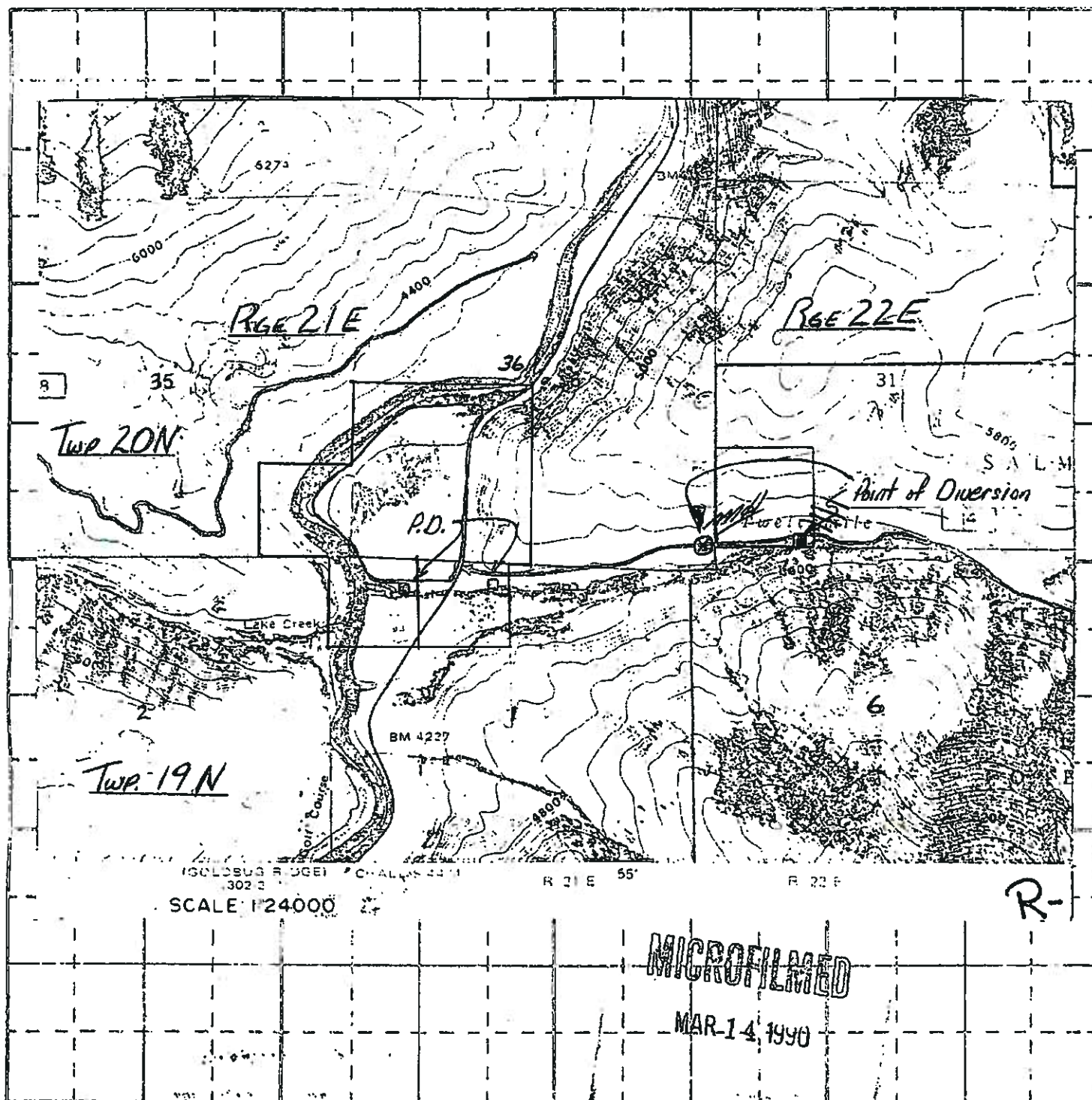
Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

75604

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



SCALE: 2 inches equal 1 mile. Draw plan in ink.

75604

PART 3**B. CHANGES IN NATURE OF USE**

1.

<u>New Nature of Use</u>	<u>Amount</u> <u>(cfs/ac-ft)</u>	<u>Hours/days/year</u>	<u>Period of Use</u>
_____	_____	_____	_____ to _____
_____	_____	_____	_____ to _____
2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. 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 voiding its approval.

Marion C. Hutchings
(Signature of Applicant)

Subscribed and sworn to before me this 12th day of February, 19 88.

Orlwin Wray
(Notary Public)

My commission expires 5/29/1991

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and _____ attachments

Received by EMC Date 2-12-88 Protest filed by _____

Prelim. check by _____ Fee \$20⁰⁰ _____

Receipted by EMC #46420 Date 2-12-88 _____

Published in _____ Copies of protest forwarded by _____

Pub. dates _____ Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☒ approval ☐ denial

_____ rec'd. _____ by RDC 11/11/92 Gary

Copy of transfer sent to lien holder _____

MICROFILMED

MAR 14 1990

INTER-DEPARTMENT MEMO — 1

FROM H.W. JONES

DATE 10-19-89
(Recopy)

TO File T 75-4505

SUBJECT Conference Notes

- 1/ Applicant desires to Amend transfer to change P.D to his own ground below USFS. Amended PD would be in the SESE Sect. 36 T20N R21E
- 2/ Protestants will withdraw objections if pd. is amended
Withdrawal sent ~~via Betsy Riefenberger~~ prior via Betsy Riefenberger

MAR 14 1990



SIGNATURE

75604

Conf

TTS-4505

Hutchings

8-25-89

1 Applicant desires to amend transfer to change PD
to his own ground below USFS
PD change would be SESE Sect. 36 TRON
RZIE

2 Protestants will withdraw ~~per~~ objection. Withdraw sent
to Forest Supervisor via Betty Perfubegre

RECORDED

MAR 14 1990



United States
Department of
Agriculture

Forest
Service

Intermountain
Region

324 25th Street
Ogden, UT 84401

Reply to: 2540

Date: JUN 25 1985

RECEIVED

JUN 27 1985

Department of Water Resources
Eastern District Office

Mr. Ronald D. Carlson
Eastern Region Supervisor
Idaho Department of Water Resources
150 Shoup Avenue
Idaho Falls, ID 83401

Dear Mr. Carlson:

We are writing regarding a Proposed Change of Water Right Application No. 75-4505 filed by Mr. Marvin Hutchings. The proposed transfer will add a third point of diversion of irrigation water in Twelvemile Creek (located approximately 3/4 of a mile above the Salmon National Forest boundary) to two already existing diversions below the Forest boundary. The new point of diversion is the same as that which Mr. Hutchings identified in Amended Application No. 75-7411 for diversion to a hydropower plant. This proposed transfer of the point of diversion of an existing water right by Hutchings is another of a series of water right actions involving Mr. Hutchings and Twelvemile Creek.

1. On September 19, 1984, the Forest Service protested the original Application for Permit No. 75-7411, filed by Mr. Hutchings. This application was for 5 cfs of water from Twelvemile Creek, for the purpose of hydropower generation. On October 12, 1984, the proponent and the Forest Service developed a Memorandum of Understanding, in which Mr. Hutchings had recognized and agreed to give structural priority to instream flows necessary to accomplish the purposes of the National Forest within the reach specified in his application. On the same day, the Forest Service requested the State of Idaho to withdraw our protest. An Environmental Assessment was prepared by the Forest for this proposal, as well as another hydropower development on the same stream.

2. On May 9, the Forest Service protested Amended Application for Permit No. 75-7411, filed by Mr. Marvin Hutchings, in which the proponent changed the point of diversion to a point approximately one-half mile upstream from the point specified in the original application. As described in our letter of May 9, the newly affected reach supports a significant resident fishery which would be adversely affected by the removal of 5 cfs of water. In the affected reach identified in the applicants original application, the Forest Service determined that the multiple-use objectives set out in the Multiple-Use Sustained-Yield Act of 1960 would be adequately protected by the instream flows described in the Memorandum of Understanding. However, analysis of the Amended Application indicated that the previously quantified instream flow would be inadequate to protect the multiple-use objectives within the newly affected stream reach.

MICROFILMED

MAR 1 1990



FS-8200-28(7-82)

75604

Withdrawing



Mr. Ronald D. Carlson

2

Mr. Hutchings now wishes to divert 8.69 cfs of water from Twelvemile Creek at three points of diversion. Two of the points of diversion are existing, and are listed in the original Application No. 75-4505. The new point is located at the same point on the stream as that listed in Amended Application for Permit No. 75-7411. The Forest Service continues to have concerns over diversion of water at this point. As stated in our recent protest of Amended Application No. 75-7411, the diversion of water described in the proposed Change in Water Right No. 75-4505 would not allow the Forest Service to accomplish its mission under Federal law.

Quantification of the instream flows required to accomplish the multiple-use objectives of the National Forest System has not been completed. Upon completion, the description of the required instream flows will be forwarded.

Because of these concerns, we protest the Proposed Change of Water Right No. 75-4505, as the change described will not allow the Forest Service to accomplish its multiple-use objectives.

Sincerely,

Richard J. Sanders
for J. S. TIXIER
Regional Forester

MICROFILMED

MAR 14 1990



75 604

Transfer No. _____

Water Right No. 75-4505**VOID**

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

To Change the Point of Diversion and/or the Place of Use

Name of applicant MARVIN C. HUTCHINGS Phone 756-2615Post Office address 506 Van Dreff, Salmon, ID 83467**A. DESCRIPTION OF RIGHT AS RECORDED****1. Right evidenced by:**

- a. Decree No. _____ Decreed to _____ (Name)
in case of _____ vs _____
dated in _____ in _____ county of _____
(Name of court)
- b. License No. _____ issued by the Idaho Department of Water Resources
- c. Claim No. 75-4505 on file with the Idaho Department of Water Resources

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant. If the applicant is not the original holder of the water right, explain how it was acquired Applicant is original claimant.

3. Source of water Twelvemile Creek tributary to Salmon River

4. Date of priority 4-1-1922

5. Water is used for the following purposes:

amount 4.69cfs for Irrigation purposes from 3-15 to 11-15
amount 4.0 cfs for Irrigation purposes from 5-15 to 7-15
amount _____ for _____ purposes from _____ to _____
(month/day — both dates inclusive)

6. Total amount of water under right: a. 8.69 cubic feet per second
&/or
b. _____ acre feet per annum

7. Location of original point of diversion is NW % of NW % of Section 1
Township 19N Range 21E, B.M., in Lemhi County
Additional points of diversion, if any NE&NW¹ Sec. 1, T. 19N, R. 21E

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE ¹				NW ¹				SW ¹				SE ¹				TOTALS
			NE ¹	NW ¹	SW ¹	SE ¹	NE ¹	NW ¹	SW ¹	SE ¹	NE ¹	NW ¹	SW ¹	SE ¹	NE ¹	NW ¹	SW ¹	SE ¹	
19N	21E	1					5	5.8											10.8
20N	21E	36									6.8	23.6	39.3	1					70.7
		35																12.3	12.3

MICROFILMED

MAR 14 1990

Total number of acres to be irrigated 93.8

9. Describe any other water rights used for the same purpose as described above NONE

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of nonuse? No If yes, describe in item D, REMARKS.

75604

B. DESCRIPTION OF PORTION OF RIGHT OWNED BY APPLICANT (If the entire right is owned by the applicant, omit part B).

1. Amount of water: a. _____ cubic feet per second &/or
b. _____ acre feet per annum
2. Point of diversion _____ ¼ _____ ¼, Section _____ Township _____
Range _____, B.M., _____ County
Additional points _____
3. Place of use:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Total number of acres to be irrigated _____

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. General Information
 - a. Amount of water to be diverted: 8.69 c.f.s. &/or _____ acre feet
 - b. Description of diverting works Earthen ditches 3'x3' with rock diversion & wing dam, for lower diversions, cement headgate at upper diversion.
 - c. Describe the reasons for the proposed changes I intend to install a gravity flow pipeline at upper diversion for sprinkler irrigation and hydropower power. Lower diversions are being retained for use in cases of emergency.
2. Change in point of diversion

Point of diversion NW ¼ NE ¼, Section 6 Township 19N
Range 22E, B.M., Lemhi County
Additional points NW¼NW¼, NE¼NW¼, Sec. 1, T. 19N, R. 21E
3. Change in place of use
 - a. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? Yes X No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed change.
 - b. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer
No change in place of use.

RECORDED

MAR 14 1990

75604

c. Describe land or place of use to which the right will be transferred:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
19N	21E	1					5	5.8											10.8
20N	21E	36									6.8	23.6	39.3	1					70.7
		35																12.3	12.3

Total number of acres to be irrigated 93.8

4. Describe any other water rights used for the same purpose as described above. None
5. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.

MICROFILMED
MAR 14 1990

SCALE: 2 inches equal 1 mile. Draw plan in ink.

75604

D. REMARKS

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. 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 voiding its approval.

Marion Hutchings
(Signature of Applicant)

Subscribed and sworn to before me this 16 day of May, 19 85

Cary H. Cook
(Notary Public)

My commission expires 9-12-85

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____
and said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19 _____

MICROFILMED

MAR 14 1990

FOR DEPARTMENT USE ONLY

Received by <u>AT</u>	Date <u>5-30-85</u>	Protest filed by <u>Forest Service</u>
Prelim. check by <u>EMC</u>	Fee <u>50.00 #33240</u>	
Received by <u>EMC</u>	Date <u>3-29-85</u>	
Published in <u>Recorder Herald</u>		Copies of protest forwarded by <u>CW</u>
Pub. dates <u>6-13 & 6-20-85</u>		Hearing held by _____ Date _____
Watermaster recommendation requested on _____		Recommended for _____ approval _____ denial _____
_____ rec'd. _____		by _____

75604

Transfer No. _____

Water Right No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
To Change the Point of Diversion and/or the Place of Use

Name of applicant MARVIN C. HUTCHINGS Phone 756-2615
 Post Office address 506 Vandreff Salmon, ID 83467

A. DESCRIPTION OF RIGHT AS RECORDED**1. Right evidenced by:**

- a. Decree No. _____ Decreed to _____ (Name)
 in case of _____ vs _____
 dated in _____ in _____ county of _____
 (Name of court)
- b. License No. _____ issued by the Idaho Department of Water Resources
- c. Claim No. 75-4505 on file with the Idaho Department of Water Resources

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant. If the applicant is not the original holder of the water right, explain how it was acquired Applicant is original claimant.

3. Source of water Twelvemile Creek tributary to Salmon River

4. Date of priority 4-1-1922

5. Water is used for the following purposes:

amount 4.69 cfs for Irrigation purposes from 3-15 to 11-15
 amount 4.0 cfs for Irrigation purposes from 5-15 to 7-15
 amount _____ for _____ purposes from _____ to _____
 (month/day — both dates inclusive)

6. Total amount of water under right: a. 8.69 cubic feet per second
 &/or
 b. _____ acre feet per annum

7. Location of original point of diversion is NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 1
 Township 19N Range 21E B.M. in Lemhi County
 Additional points of diversion, if any NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 1, T. 19N, R. 21E

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
19N	21E	1					5	5.8											10.8
20N	21E	36									6.8	23.6	39.3	3.1					72.5 *
		35																	12.3

* Claim incorrectly showed 70.7 as total acres irrigated in Sec. 36.

Total number of acres to be irrigated -95.6

9. Describe any other water rights used for the same purpose as described above None

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of nonuse? No If yes, describe in item D, REMARKS.

B. DESCRIPTION OF PORTION OF RIGHT OWNED BY APPLICANT (If the entire right is owned by the applicant, omit part B).

1. Amount of water: a. _____ cubic feet per second
&/or
b. _____ acre feet per annum
2. Point of diversion _____ ¼ _____ ¼, Section _____ Township _____
Range _____, B.M., _____ County
Additional points _____
3. Place of use:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Total number of acres to be irrigated _____

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. General Information
 - a. Amount of water to be diverted 8.69 c.f.s. &/or _____ acre feet
 - b. Description of diverting works Earthen ditches 3'x3' with rock diversion & wing dam, for lower diversions, cement headgate at upper diversion.
 - c. Describe the reasons for the proposed changes I intend to install a gravity flow pipeline at upper diversion for sprinkler irrigation and hydro-power power. Lower diversions are being retained for use in cases of emergency.
2. Change in point of diversion

Point of diversion NW ¼ NE ¼, Section 6 Township 19N
Range 22E, B.M., Lemhi County
Additional points NW¼NW¼, NE¼NW¼, Sec. 1, T. 19N, R. 21E.
3. Change in place of use
 - a. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? Yes X No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed change.
 - b. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer
No change in place of use.

[Signature]

MAR 14 1990

75604

c. Describe lands or place of use to which the right will be transferred:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
19N	21E	1					5	5.8											10.8
20N	21E	36									6.8	23.6	39	3.1					72.5
		35															12.3		12.3

Total number of acres to be irrigated 93.8

4. Describe any other water rights used for the same purpose as described above. None
5. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.

MICROFILMED
MAR 14 1990

SCALE: 2 inches equal 1 mile. Draw plan in ink.

75604

D. REMARKS

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willfull misrepresentations made in this application may result in voiding its approval.

Subscribed and sworn to before me this 29 day of March, 19 85
Marvin Hutchings
(Signature of Applicant)

(Notary Public)

My commission expires _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____
and said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19 _____

FOR DEPARTMENT USE ONLY

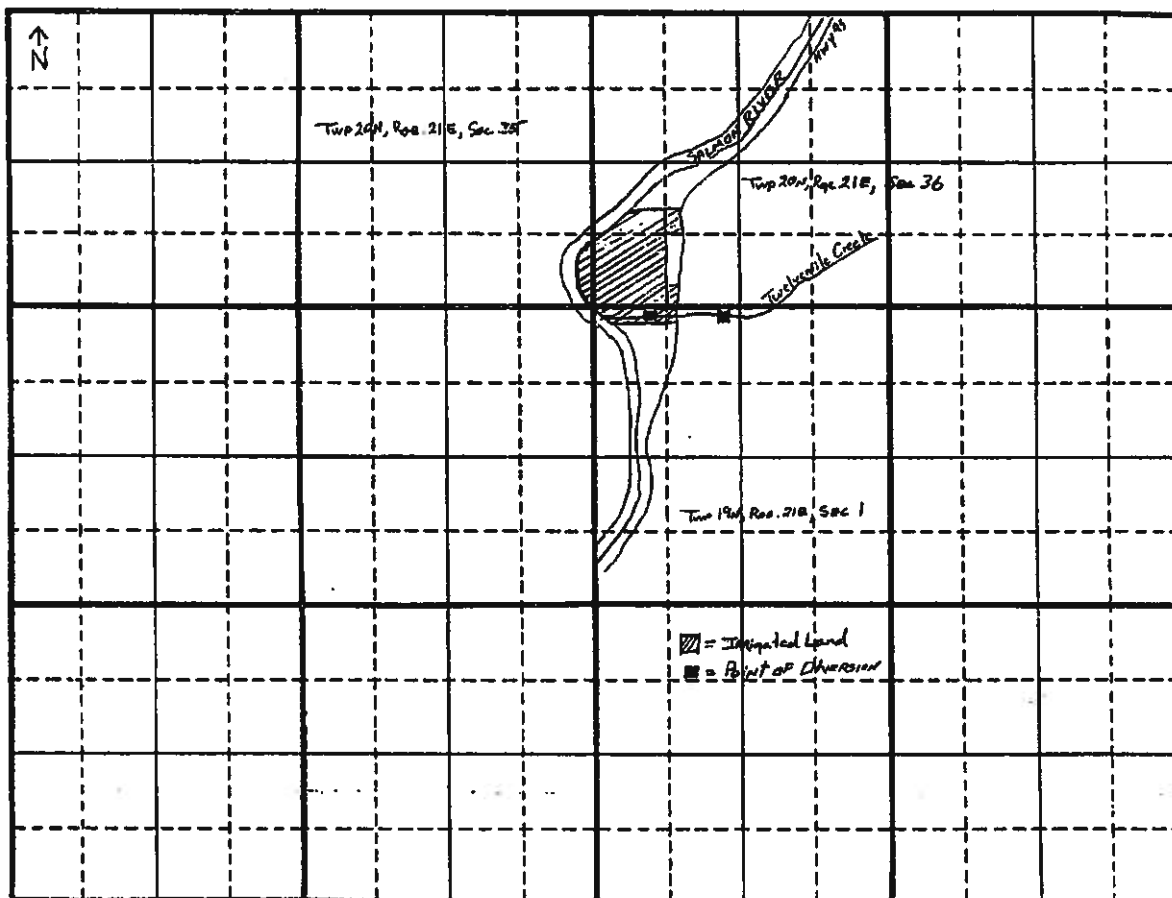
Received by EMC Date 3/29/85 Protest filed by _____
Prelim. check by _____ Fee 50.00 + 332.40
Receipted by EMC Date 3/29/85
Published in _____ Copies of protest forwarded by _____
Pub. dates _____ Hearing held by _____ Date _____
Watermaster recommendation requested on _____ Recommended for approval denial
_____ rec'd. _____ by _____

MICROFILMED

MAR 14 1985

REPROFILED

- (8) Remarks Soil Conservation Service analysis has concluded that 2 1/2" of water (4.54 CFS) is required to irrigate this property. Applicant has also used all of the high water from 1922 or before. Claim to this water is indicated by claiming an additional 4 CFS for irrigation for the period of use from 5/15 to 7/15.



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Lemhi) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this 11th day of July, 1984.

Margaret C. Hutchings
(Claimant)

Beverly J. Elder
Notary Public
Residing at Salmon, Idaho

My commission expires Life

FOR DEPARTMENT USE ONLY

Received by ew Date 7-13-84 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by ew Date 7-17-84 _____
\$50.00 fee received by ew Date 7-13-84 #34236
Published in Boise Herald _____
Dates Aug. 2 & 9, 1984 _____

75604



United States
Department of
Agriculture

Forest
Service

Intermountain
Region

324 25th Street
Ogden, UT 84401

Reply to: 2540

Date: AUG 29 1989

RECEIVED
SEP 05 1989

Mr. R. Keith Higginson
Director
Idaho Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, ID 83720

Department of Water Resources
Western Regional Office

Mr. Higginson:

On June 25, 1985, we protested Application for Permit No. 75-4505 filed by Mr. Marvin Hutchings. We have met with the applicant and resolved the basis of our protest. Therefore, we withdraw our protest of Application for Permit No. 75-4505.

Sincerely,

for *Randall R. Steele*
J. S. TIXIER
Regional Forester

RECEIVED
SEP 01 1989

Department of Water Resources

RECORDED
MAR 14 1990

RECEIVED
SEP 13 1989

Department of Water Resources
Eastern District Office



Caring for the Land and Serving People

FS-6200-28b(4/88)

75604

File



United States
Department of
Agriculture

Forest
Service

Intermountain
Region

324 25th Street
Ogden, UT 84401

Reply to: 2540

Date: MAY 11 1988

Mr. Ernest Carlsen
Water Rights Supervisor
Idaho Department of Water Resources
150 Shoup Avenue, Suite 15
Idaho Falls, ID 83401



MAY 12 1988

Department of Water Resources
Eastern District Office

Dear Mr. Carlsen:

Thank you for your letter of March 23 about Application for Transfer of Claim to Water Right No. 25-7505 filed by Marvin C. Hutchings. We referred your letter to the Forest Supervisor of the Salmon National Forest. His reply indicates we will maintain the protest to the transfer and its amendments.

In Application for Permit No. 75-7411, Mr. Hutchings claimed 5.0 cfs from January 1 through December 31 for hydropower purposes. Through a Memorandum of Understanding (MOU) with the Salmon National Forest, Mr. Hutchings has agreed to allow an instream flow to bypass his diversion at all times.

If diversion of up to an additional 8.69 cfs is approved at the same point, from March 15 through November 15, the stream will be entirely dewatered. In a telephone conversation, Mr. Hutchings stated he does not consider the two "cumulative", but in our opinion this should be stated in the Application for Transfer.

In conversations between Mr. Hutchings and Bob Hennes, Forest Hydrologist on the Salmon National Forest, in May 1987, Mr. Hutchings indicated he would take action with the State of Idaho to move the point of diversion for Application No. 75-7411 upstream an additional 1/2 mile for the purpose of increasing head. At that time he also proposed transferring Application No. 75-4505 to this upper point as well. The Forest Service protested both of these proposals, and Mr. Hutchings has since dropped both.

Mr. Hutchings would like to convert from flood irrigation to sprinkler irrigation if he can locate the diversion on National Forest land. We informed Mr. Hutchings that if he could demonstrate that he could improve the quality of the stream habitat (primarily on private land) by converting from flood to sprinkler irrigation, the Forest Service would consider adjusting the Federal instream flow claim affecting the 1/4 mile of stream within the National Forest. We encouraged Mr. Hutchings to contact both the State of Idaho

MICROFILMED

MAR 14 1990



FS-6200-28(7-82)

75604



Mr. Ernest Carlson

2

Department of Fish and Game and the Salmon National Forest fisheries biologist about his plan, but he has not arranged any formal consultation to address our concerns.

In informal conversation with the Department of Fish and Game biologist, Mel Reingold, he indicated the increase in fish habitat will be limited by a culvert across Highway 93 which is a barrier to fish migration. It is unlikely this will be replaced. Fishing access into the private land would likely be restricted as well.

Considering these factors, we will maintain the protest of the transfer and its amendments. The Federal water right described in the Memorandum of Understanding on Application No. 75-7411 for the point of diversion on Twelvemile Creek is still required to fulfill the purpose of the National Forest.

If you have any questions, please call.

Sincerely,

Sondale R. Stree
for S. S. TIXIER
Regional Forester



RECEIVED

MAR 14 1990

FS-6200-28(7-82)

May 28, 1987

Marvin C. Hutchings
506 Van Dreff
Salmon, Idaho 83467

RE: Twelve Mile Creek Water Rights

Dear Mr. Hutchings:

Per your telephone conversation with Ernie Carlsen, I am forwarding the forms you requested.

Regarding application 75-7411, please find enclosed a relinquishment form needing your signature and a witness signature. This relinquishment is for the amendment to the permit 75-7411.

Regarding the transfer of a claim application, please find enclosed an amended application showing the change in point of diversion. Your signature, along with a notary, is needed on this form. Also, please note there is a \$20 fee to file the amended transfer.

Please check over the forms for any errors I may have made, sign the forms as requested and submit them to our office. Your prompt attention is appreciated. If you need further assistance, please contact our office.

Sincerely,

Eric Verner
Water Resource Agent

EV/dg

Enclosure

MICROFILMED

MAR 14 1990

75604

DATE: May 22, 1987.

TO: File

FROM: Ernest Carlsen

RE: Application 75-7411 & Application to Transfer 75-4505

Mr. Hutchings advised me by telephone that he had been in contact with both the U.S. Forest Service and the Department of Fish and Game in Salmon to discuss possible alternatives for resolving their objections to his construction of a pipeline on 12 Mile Creek. Based on his meetings, it was decided that Mr. Hutchings would abandon any effort to establish a point of diversion in the NW1/4NE1/4, Sec 6, T 19N, R 22E, Lemhi County. In order to get the above captioned water right filings in compliance with this agreement, Mr. Hutchings will withdraw his application to amend permit 75-7411, and will also file an amendment to application for transfer 75-4505 dropping the point of diversion in the NW1/4NE1/4, Sec 6, T 19N, R 22E, and then adding a point of diversion in the SW1/4SW1/4, Sec 31, T 20N, R 22E. This is the same point of diversion previously approved under permit 75-7411. Mr. Hutchings asked that we prepare the appropriate documents in order for him to follow thru with these actions and then mail them to him for his signature. I indicated we would do that, but that it may take a couple weeks before they can be prepared and forwarded.

MicroFILMED

MAR 14 1990

75604



United States
Department of
Agriculture

Forest
Service

Salmon
National
Forest

P.O. Box 729
Salmon, ID 83467

Reply to: 2540

Date: May 1, 1987

Mr. Ernest Carlsen
Water Rights Supervisor
Department of Water Resources
150 Shoup, Suite 15
Idaho Falls, Idaho 83402

RECEIVED
MAY 5 1987
Department of Water Resources
Eastern District Office

Dear Ernie:

In response to your recent telephone inquiry to Bob Hennes our hydrologist, we have checked our records and can provide you with the following update on applications from Marvin Hutchings and James Caples.

In 1986, the Forest Service received notice from the Federal Energy Commission that Mr. Caples had terminated his preliminary permit for proposed hydropower development on Twelvemile Creek. The Salmon National Forest has also received direction from Mr. Caples to cancel his associated special use application. Because of this direction from Mr. Caples, the Forest Service will no longer proceed in any administrative or water rights actions regarding his application for Permit (75-7408) to the Idaho Department of Water Resources.

Our staff has also been in contact with Mr. Hutchings, and we plan on meeting with him in the next few weeks to address his current plans for development on Twelvemile Creek. Mr. Hutchings and our staff will likely be in contact with you in the next month, regarding the status of his applications (#75-7411; 75-4505) and associated actions by the Salmon National Forest.

If you have any questions, please give us a call.

Sincerely,


RICHARD T. HAUFF
Forest Supervisor

RECEIVED

MAR 14 1990



75604

FS-6200-28(7-R2)

April 3, 1987

RE: Application for Amendment of Permit No. 75-7411
Hydropower on Twelve-mile Creek

Application for Transfer No. 75-4505

Mr. Marvin Hutchings
506 Vandreff
Salmon, Idaho 83467

Dear Mr. Hutchings:

On 29 March 1985, you filed the above applications to establish a new point of diversion on Twelve-mile Creek. Both applications pertain to a gravity flow pipeline you intend to use for hydropower production and sprinkler irrigation. The U.S. Forest Service, which administers the land where the point of diversion would be located, subsequently protested both applications.

Initially, the Department deferred administrative action while the Forest Service conducted studies they felt were needed to support their protest. Two years have past since the applications were filed which should be sufficient time for all the parties to prepare for administrative action. Your applications are, therefore, being considered for conference and/or hearing during the week of June 22-25.

We will proceed to schedule these applications for conference and/or hearing unless the enclosed withdrawal forms bearing your signature and date of signing are returned to this office.

MICROFILMED

MAR 14 1990

Mr. Marvin Hutchings
April 3, 1987
Page 2

Receipt of the signed withdrawal forms will indicate you no longer wish to proceed with trying to establish the new point of diversion. Withdrawing the application for amendment of permit 75-7411 will not affect permit No. 75-7411 with its attached conditions of approval which the Department issued in 1984.

Respectfully submitted,

ERNEST CARLSEN
Water Rights Supervisor

EC:cw

Enclosure: Withdrawal form

cc: J.S. Tixier, U.S. Forest Service
Bob Hennis, Salmon National Forest

MICROFILMED

MAR 14 1990

75604

7005 Radford Av., #1
No. Hollywood, Ca., 91605
July 19, 1985

State of Idaho
Dept. of Water Resources
150 Shoup --Suite 15
Idaho Falls, Idaho, 83402

RECEIVED

JUL 22 1985

Att: Ernest Carlson

Department of Water Resources
Eastern District Office

Re: Your letter of July 16

Dear Mr. Carlson:

Marvin Hutchings has now applied to the Dept. Water Resources to amend another of his water claims---i.e. Permit No. 75-4506, changing the point of diversion to within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 31, T 21N, R 24E, EM.

This change in point of diversion requests 8.06 cfs of water out of 12 Mile Creek, upstream of our properties and water claims. I think there would be very little water left in the creek below, if that much water were diverted.

The downstream property owners would not object to Mr. Hutchings' diversion if it does not restrict their water claims, or damage the creek. We do not object to his irrigating his fields---it is how he intends to do it.

He wants to put in a generating plant, and run enough water thru it to not only power sprinklers to water his fields, but to sell surplus power to Idaho Power (who does not need the power, but is forced to buy it).

Mr. Hutchings' original, existing water claims, had points of diversion downstream of other property owners. It gave him plenty of water, but not enough force for a generator. However, power from Idaho Power is available to him there in order to run his sprinklers. He just does not want to buy it.

Therefore, we do not think it right for him to divert excessive water from the creek and damage it for our uses.

The Forest Service tells me that it's only concern is the creek where it runs thru their land. They have no voice or interest in what happens to it on private land. They said we would have to take it up with Dept. of Water Resources.

Sincerely yours,

Prentiss V. Donaldson
Prentiss V. Donaldson
(818) 765-0764

MICROFILMED

MAR 14 1990

75604

7005 Radford Av., #1
No. Hollywood, Ca., 91605
May 16, 1985

RECEIVED
MAY 20 1985

State of Idaho, Dept. Water Resources
150 Shoup --Suite 15
Idaho Falls, Idaho, 83402

Department of Water Resources
Eastern District Office

RE: Your letter of May 14, 1985

Dear Mr. Carlsen:

Forest Service Project #2720 includes two proposals for stream diversions of 12 Mile Creek; #1 James Caples, and #2 Marvin Hutchings.

There is no objection to Amended Application for Permit No. 75-7408 James Caples, as it will not affect the flow of water to named property owners downstream. He plans to return the water he uses to the creek upstream of our properties.

However, the holder of Permit No. 75-7411, Marvin Hutchings, now wishes to amend his point of diversion to within Sec. 6, T.19N, R.22E, B.M. From this amended diversion he plans to divert 5cfs thru a 16" pipeline; bypassing the downstream owners named in my letter, to place of use on his property--which is downstream from all the rest of us.

Mr. Hutchings original points of diversion (Sec.31, T.20N, R.22E and Sec.I, T.19N, R. 21E) did not affect us, as it was downstream, (closer to his property).

We do not intend to object to Mr. Hutchings' amendment if it will still leave enough water in the creek to fulfill the prior water claims of the listed property owners.

We assume that the Dept. of Water Resources has all the information as to stream flow, prior water claims, etc., to determine how this amended diversion would affect us. Forest Service says the Hutchings diversion would allow a minimum flow of 3.2cfs in the creek. Is this enough to guarantee our Water Claims ??

Sincerely yours,


Prentiss V. Donaldson

Note: List of property owners affected by amendment to Permit No. 75-7411 on page 2 of this letter.

MICROFILMED

MAR 14 1990

75604

Property Owners on 12 Mile Creek holding water claims downstream of the recent proposed creek diversions:

Prentiss Donaldson Claim # 75-4112 .26 prior. date 11-23-22
7005 Radford Av., No. Hollywood, Ca., 91605 (filed 4-16-79)
(Property improved, starting to build)

Ken Martens Claim #75-7374 .82 6/20/83
Star Route, Box 18, Salmon, Id., 83467
(Occupied dwelling)

M. L. Mc Donald Claim # 75-4375 .09 (filed 5-15-69)
Star Route, Box 17, Salmon, Id., 83467

Eugene Rackham Claim # 75-4388 .12 prior. 11-23-22
HC 61, Box 22, Salmon, Id., 83467
(Occupied dwelling)

12 Mile Hunting Lodge Claim # 75-7013 .10 5/14/1971
Frank Smith, P.O.Box 428, Idaho Falls, Id., 83402
(Occupied dwelling)

Robert Capps Claim # 75-4331 .20 prior. 11-23-22
Rt. 1, Box 103, Salmon, Id., 83467
(Unoccupied dwelling)

Bill Montero Claim# ? Owns Penn-Phillips Subdivision
8380 Vineyard Rd., Sacramento, Ca., 95829 Lots # 2, 3, 11, 12, 13, 14
(Unoccupied dwelling)

Donald Hawkins Claim # ? Owns Penn-Phillips Subdivision
14429 Watkins Dr., La Mirada, Ca., 90638 Lots # 7 & 8
(Unoccupied dwelling)

George Wilson Claim # ? Owns Penn-Phillips Subdivision
238 W. 38th St. Lots 4, 5, 6
Anderson, Ind., 46014
(Unoccupied dwelling)

MICROFILMED

MAR 14 1990

STATE Idaho PROJECT Water Requirement - Salmon Area
BY R. Swift DATE 2/84 CHECKED BY Ralph Swift DATE 2/84 JOB NO.
SUBJECT Marvin Hutchins Farm SHEET 1 OF 1

Given
Soil Depth = 20 Knob Cobbles, loam
Water Holding Capacity = 3.1 inches/in top
Crop = Alfalfa 3 ft
Irrigation Method = Flooding, G.P. Ditch

From Rancher → Assumptions: Efficiency = 20% (Conservancy Dept. 50% 25%)
Climate III

Note: Ditch runs in high approximately 50%
about 1/2 in. & formerly ditches
Contour ditches 300 ft apart

Find: Water Requirement / acre

From Irr Guide → Solution:

Monthly CU = 6.6

Hold. Capacity = 3.1 inches

Net Applied = $3.1 \times .50 = 1.55$

Wind Till Coefficient =
Use Figure

Peak Daily CU = .24" / day

Net Req = $\frac{.24 \text{ inch}}{\text{day}} \times \frac{1 \text{ cfs}}{2.5 \text{ acre in/day}}$

50 minutes in 1 cfs

= .01 cfs/acre

Gross Req. = $\frac{.01}{.20} = .05 \text{ cfs/acre}$
or 2.5 in / acre

WARRANTY DEED

For Value Received

THOMAS CHRISTENSEN, JR., and BONNIE CHRISTENSEN, husband and wife,
the grantor s, do hereby grant, bargain, sell and convey unto

MARVIN HUTCHINGS and IRENE HUTCHINGS, husband and wife

whose current address is

506 Vandreff Street
Salmon, Idaho 83467

the grantee s, the following described premises, in Lemhi County Idaho, to wit:

SEE ATTACHED EXHIBIT "A"

RECEIVED

MAY 21 2009

Department of Water Resources
Eastern Region

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee s,
their heirs and assigns forever. And the said Grantors do hereby covenant to and
with the said Grantees, that they are the owner s in fee simple of said premises; that they are free
from all incumbrances

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: October 11, 1983.

Thomas Christensen
Thomas Christensen, Jr.
Bonnie Christensen
Bonnie Christensen

Utah
STATE OF ~~Idaho~~, COUNTY OF Salt Lake
On this 11th day of October, 1983,
before me, a notary public in and for said State, personally
appeared

Thomas Christensen and Bonnie
Christensen

known to me to be the persons whose name are
subscribed to the within instrument, and acknowledged to
me that they have executed the same.

Virginia E. Space
Notary Public

Residing at Salt Lake City, Utah, Idaho
Comm. Expires 1-11-1984

STATE OF IDAHO ss NO 169647
COUNTY OF LEMHI

The instrument was filed for record at the request of
James C. Herndon, Attorney
at 2:40 P M November 4 1983

and duly filed and indexed in the
Deed Records of Lemhi County
Idaho.

Debra F. Shaw - Deputy
By Alberta W. Wadsworth x Office Recorder
Fees. 8.00 pd.

EXHIBIT "A"

A parcel of land located in Lots 7, 8, and 10, Section 36, T. 20 N., R. 21 E., and Lots 3 and 4, Section 1, T. 19 N., R. 21 E., B.M., Lemhi County, Idaho, more specifically described as follows:

Commencing at the West Quarter Corner of said Section 36, a distance of 810.89 feet on a bearing of S. 1°25'25" W. along the West boundary of Section 36 to a point on the Southerly bank of the Salmon River and being the REAL POINT OF BEGINNING.

Thence the following courses and distances along said Southerly bank:

N. 69°36'36" E., 110.93 feet;

N. 52°05'45" E., 457.33 feet to a point on

the boundary of Mobile Acre Subdivision;

Thence the following courses and distances along said Subdivision boundary:

S. 30°54'24" E., 86.77 feet;

S. 87°44'52" E., 225.46 feet;

S. 83°06'14" E., 226.21 feet;

S. 76°36'58" E., 250.27 feet to a point on the

Westerly Right-of-Way of the Heald's Haven Road;

Thence the following courses and distances along said Westerly edge of road:

S. 18°29'25" W., 71.99 feet;

137.62 feet along a curve concave to the Southeast having a radial of S. 71°30'35" E., 245.00 feet and a central angle of 32°11'02";

S. 13°41'37" E., 67.89 feet;

163.22 feet along a curve concave to the Southwest having a radial of S. 76°18'23" W., 1125.00 feet and a central angle of 8°18'45";

S. 5°22'51" E., 39.09 feet;

S. 14°02'24" E., 152.33 feet;

163.70 feet along a curve concave to the Northeast having a radial of N. 75°57'36" E., 125.00 feet and a central angle of 75°01'59";

Thence S. 0°55'37" W., 20.09 feet to a point on the Northerly boundary of the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 36;

Thence N. 87°49'49" W., 80.59 feet to the Northwest Corner of said SE $\frac{1}{4}$ SW $\frac{1}{4}$;

Thence S. 1°08'38" W., 1324.89 feet to the Southwest Corner of said SE $\frac{1}{4}$ SW $\frac{1}{4}$;

Thence S. 88°33'54" E., 130.70 feet to a point on the Westerly Right-of-Way of U.S. Highway No. 93;

Thence the following courses and distances along the Westerly Right-of-Way of U.S. Highway No. 93:

330.50 feet along a curve concave to the Northwest having a radial of N. 68°03'44" W., 1870.00 feet and a central angle of 10°07'35";

S. 32°03'50" W., 230.50 feet;

Thence N. 86°30' W., 635.00 feet;

Thence N. 65°50' W., 467.00 feet to a point on the Northeasterly bank of the Salmon River;

Thence the following courses and distances along said bank:

N. 20°01'07" W., 178.56 feet;

N. 5°05'05" W., 116.54 feet;

N. 21°07'27" W., 99.67 feet;

N. 25°28'43" W., 12.10 feet to a point on

the West boundary of Section 36;

Thence N. 1°25'25" E., 1778.11 feet to the REAL POINT OF BEGINNING.

ALSO:

A parcel of land located in Government Lots 7 and 8, Section 36, T. 20 N., R. 21 E., B.M., Lemhi County, Idaho, more specifically described as follows:

Commencing at the South Quarter Corner of said Section 36, a distance of 1310.32 feet on a bearing of N. 1°00'05" E. to the Northeast corner of the SE $\frac{1}{4}$ SW $\frac{1}{4}$, thence N. 87°49'49" W., 1027.15 feet along the North boundary of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ to a point on the Westerly Right-of-Way of U.S. Highway No. 93, and being the REAL POINT OF BEGINNING.

Thence N. 87°49'49" W., 206.45 feet;

Thence N. 0°55'37" E., 20.09 feet to a point on the Southwesterly Right-of-Way of the Heald's Haven Road;

Thence the following courses and distances along the Southwesterly Right-of-Way of the Heald's Haven Road:

163.70 feet along a curve concave to the Northeast having a radial of N. 0°55'37" E., 125.00 feet and a central angle of 75°02';

N. 14°02'24" W., 152.33 feet;

N. 5°22'52" W., 39.09 feet;

163.22 feet along a curve concave to the Southwest having a radial of S. 84°37'08" W., 1125.00 feet and a central angle of 8°18'45";

N. 13°41'37" W., 67.89 feet;

137.62 feet along a curve concave to the Northeast having a radial of N. 76°18'23" E., 245.00 feet and a central angle of 32°11'02";

N. 18°29'25" E., 71.99 feet to a point on the Southwesterly boundary of Mobile Acres Subdivision;

Thence the following courses and distances along said boundary:

S. 76°31'24" E., 107.32 feet;

N. 81°20' E., 391.70 feet to a point on the Westerly Right-of-Way of U.S. Highway No. 93;

Thence the following courses and distances along said Right-of-Way;

297.49 feet along a curve concave to the Southeast having a radial of S. 63°31'30" E., 756.30 feet and a central angle of 22°32'15";

S. 3°56'15" W., 489.95 feet to the REAL POINT OF BEGINNING.

ALSO:

A parcel of ground located in Government Lot 8, Section 36, T. 20 N., R. 21 E., B.M., Lemhi County, Idaho, more specifically described as follows:

Commencing at the South Quarter Corner of said Section 36, a distance of 1310.32 feet on a bearing of N. 1°00'05" E. to the Southeast corner of Lot 8 and being the REAL POINT OF BEGINNING.

Thence continuing N. 1°00'05" E., 1444.96 feet to a point on the Southeasterly Right-of-Way of U.S. Highway No. 93;

Thence the following courses and distances along said Right-of-Way:

S. 36°46'15" W., 11.50 feet;

386.32 feet along a curve concave to the Northwest having a radial of N. 53°13'45" W., 756.30 feet and a central angle of 29°16';

S. 66°02'15" W., 254.57 feet;

733.01 feet along a curve concave to the Southeast having a radial of S. 23°57'45" E., 676.30 feet and a central angle of 62°06';

S. 3°56'15" W., 205.56 feet;

S. 86°03'45" E., 60.00 feet;
S. 3°56'15" W., 280.07 feet to a point on the South-
erly boundary of Government Lot 8;
Thence S. 87°49'49" E., 887.08 feet along said Southerly
boundary to the REAL POINT OF BEGINNING. . .

TOGETHER WITH the improvements, appurtenances, water, water rights,
mineral and mineral rights, ditches and ditch rights appurtenant
thereto and used in connection therewith.

SUBJECT TO all taxes and assessments for the fiscal year 1983, and
thereafter coming due, and also subject to all covenants, restrictions,
conditions, reservations, easements and rights-of-way of record
affecting said property.

Date	To	From	Topic
7/12/1984	IDWR	Atny. James Herndon	Claim for Hutchings
8/21/1984			Claim analysis
8/20/1984			Advertised Claim
6/13/1984			Advertised change
1/1/1985	IDWR	Hutchings	Add POD NWNE T19N R22E Sec 6
5/13/1985	Hutchings	IDWR	Transfer Correction- acrege to match claim
7/1/1985			Transfer Analysis
7/16/1985	Hutchings	IDWR	Notify of Protest
5/16/1985	IDWR	Prentise Donaldson	75-7411 divert 5cfs must leave 3.2cfs min. flow
7/16/1985	Prentise Donaldson	Ernie Carlson	Plenty of water for Hutchings Transfer
7/19/1985	IDWR	Mr. Donaldson	amendment of claim 75-4506 8.69 cfs for hydropower will injure his WR
8/9/1985	Mr. Donaldson	Ernie Carlson	about 7-19-85 letter, too late for protest but USFS protested
4/3/1987	Hutchings	Ernie Carlson	Set time for hearing or send withdrawal to office
5/1/1987	Memo	Ernie Carlson	Mr. Hutchings talked to USFS and USFG abandon POD T19N R22E Sec 6 NWNE Mr. H will withdraw 75-7411 File amend transfer app. For 75-4507 drop POD T19N R22E Sec 6 NWNE Add POD T20N R22E Sec 31 SWSW Mr. H asked us to prepare documents
5/28/1987	Hutchings	Eric Verner	75-7411 relinquish form amended app. Transfer, chg POD, \$20 fee

<u>Date</u>	<u>To</u>	<u>From</u>	<u>Topic</u>
3/23/1988	Hutchings	Ernie Carlson	Letter for proof
3/23/1988	Mr. Tixier, USFS	Ernie Carlson	Notice of amended transfer, asking for comment
5/11/1988	Ernie Carlson	Mr. Tixier	8.69 will take all stream Mr. H told Bob Hennes he would chg POD (75-7411) upstream 1/2 mile upstream Proposed 75-4505 to have same POD Forest Service protest these changes Mr. H want to convert from flood to sprinkler if he can locate on NF land If can improve stream habitat, FS would consider Continue to protest transfer
8/25/1989		Ron Carlson	Conference at court of transfer 75-4505
8/25/1989			Meeting at 11 am
8/29/1989		Mr. Tixier	Withdraw protest 75-4505
9/19/1989	Mr. H	IDWR	Protest withdrawn
Oct-89			Notice of Correction, advertising POD T20N R21E Sec 36 SESE
1/18/1990		Tim Luke Memo	Transfer 3164- Approval with T01 condition
2/1/1990	Mr. H	IDWR	Approved transfer
7/16/2004	IDWR	Hutchings	Fee transfer 75-4505 and 75-14147
7/19/2004	Hutchings	Roger Warner- IDWR	Letter- transfer to chge POD, POD already claimed no transfer required.
9/17/2004	Hutchings	IDWR	Refund of fee \$450

75-4506 Hutchings 2.0 cfs 48 acres

— 75-4506 A Hutchings 1.9 cfs 43 acres

— 75-14147 Hutchings 0.35 cfs 8 acres Disallowed - No Beneficial Use

— 75-14148 Deutchman 0.14 cfs 7.2 acres

— 75-4506 B Ellis 0.10 cfs 5 acres

75604

75-14170 Hutchings 4.32 cfs 75.3 acres

— 75-14514 Hutchings 3.01 cfs 60.1 acres

— 75-14596 Hutchings 2.83 cfs 56.6 acres

— 75-14598 Hutchings 2.68 cfs 53.6 acres

— 75-14599 Jones 0.15 cfs 3 acres

— 75-14597 Osgood 0.18 cfs 3.5 acres

— 75-14515 BLM 0.57 cfs 11.3 acres