

MEMORANDUM

TO: FILE
FROM: DANIEL A. NELSON
DATE: 12/6/2005

**RE: LENARD L. OR MARSHA A. HUTTERMAN TRANSFER 72466, RIGHTS
61-11930**

The purpose of the transfer is to move the 10.3 acres associated with this right to the applicant's property, and create a permissible place of use within their 18.5 acre property boundary. All of the lands associated with this transfer are located approximately 5 ½ miles northeast of Mountain Home reservoir on Highway 20. More specifically described as the NE ¼ of Section 1, T3S R7E, Elmore County.

PLEASE SEE RONALD AND SANDRA FLONES TRANSFER 72403

AUTHORITY TO FILE:

The applicants are the owners of record.

WATER RIGHT VALIDITY:

Right presumed valid since it was recently decreed on 10/26/2000.

INJURY TO OTHER WATER RIGHTS:

These rights have been used off and on for the past few years without any known injury. Therefore, no injury is anticipated.

ENLARGEMENT OF USE:

The applicants are moving their water right off of lands owned by Ronald and Sandra Flones to be used within their property boundary. They are unsure at this time exactly what lands will be irrigated, but are aware that they can only irrigate 10.3 acres. No expansion of the right is being proposed.

LOCAL PUBLIC INTEREST:

There is nothing to suggest that this application is not within the local public interest. The applicant declined to supply any information that addressed the public information criteria

BENEFICIAL USE/CONSERVATION OF WATER RESOURCES:

Applicant proposed beneficial use consistent with irrigation standards for the area.

Review of the application finds there is no clear inconsistency with criteria of I.C. § 42-222 preventing processing of the application.

NARATIVE

This transfer requests that water right 61-11930 be moved to their property. Currently the place of use described in the water right is owned by Ronald and Sandra Fones. The Fones have filed a separate transfer for their portion of another right, which was split from the same parent right as the water right owned by the applicant. During the Fones transfer, it was discovered that the applicant's water right was still showed the place of use as being on the Fones property. Therefore, they are filing this transfer to correct the record. They do not propose to alter the points of diversions.

H.P Honeycutt originally owned water right 61-270A, and the property where the water right was appurtenant. Mr. Honeycutt then split his property into 4 separate parcels. Mr. Honeycutt then took it upon himself through the ownership documentation to divide the water up between the individual lot owners using only the rate of diversion, and did not take into account the acres irrigated. Water right 61-270A with an attached ArcView shape file was decreed in the Snake River Basin Adjudication (SRBA) before department staff could process the water right splits. Unfortunately, the amount of water each new owner was allocated by Mr. Honeycutt did not necessarily match the portion of the land that was irrigated under water right 61-270A. The creative way the water was allocated by Mr. Honeycutt required a transfer to accomplish the addition of newly irrigated ground and adjustments. Before this situation could be clarified, Mr. Honeycutt passed away, and the task of updating the water rights was left up to the current landowners. This transfer was filed by one of the landowners, the Huttermans, to correct their portion of the water right. The other three landowners may also need to file transfers to ensure they can irrigate the lands they need under the water right.

The biggest issue with this transfer is that the Hutterman water right, 61-11930, covers ground owned by the Fones. The Fones have submitted a statement in their transfer, 72403, that they do not have any claim to water right 61-11930. This transfer should clear up this situation and finally put the water rights on the property of the person who owns the water rights through the ownership documentation.

CONDITIONS AND SUGGESTIONS

This transfer seems acceptable as listed on the front page of the transfer with the inclusion of the conditions on the draft approval.