



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

February 14, 2017

EWALD FUNK
PEARL FUNK
ELIZABETH MAE MALAND
PEGGY MARLENE SIMPSON
512 SHERIDAN RD
WALLA WALLA WA 99362

RE: Change in Water Right Ownership 35-12912

Dear Interested Parties:

The Department of Water Resources (Department) received your Notice of Change in Water Right Ownership for Water Right 35-12912 on February 10, 2017. The Department has placed your notice in the water right file, but the database record for the water right has not been updated.

Although your deed shows that you owned its irrigated place of use, Water Right 35-12912 was claimed in the Snake River Basin Adjudication (SRBA) by Vern R. Duffin & Marilyn Duffin (Duffins) in 1992. You did not file a competing claim or an objection, and the SRBA Court decreed Water Right 35-12912 in the Duffins' name in 2002. The Department considers a court decree confirming the elements of a water right to be a determination of ownership of the right.

Vern R. Duffin & Marilyn Duffin deeded Water Right 35-12912 to Jeffrey T. Duffin and Chana Duffin in 2016 without land. Since your documentation does not show that you acquired the water right from either Vern R. Duffin & Marilyn Duffin or Jeffrey T. Duffin & Chana Duffin since the Court issued its decree, IDWR cannot complete processing of your ownership change notice based on the information you submitted.

This determination does not affect your ownership of overlapping licensed Right 35-7853B for the same beneficial use. This right was applied for in 1979, was not subject to the Snake River Basin Adjudication since proof of beneficial use was filed in 1989 after the commencement of the adjudication, and the appropriation process was completed when the license was issued in 1994. Rights 35-7853B and 35-12912 represent a single beneficial use and must be evaluated together in any future actions. All owners must be included unless one of the parties prevails as the single owner.

The Department will hold your ownership change notice for 30 days to allow you time to submit additional information confirming your ownership of the water right. If you do not submit information within 30 days to show how you acquired the water right, IDWR will return your Notice of Change in Water Right Ownership form and supporting documents and request a refund of your filing fee.

If you have any questions, please contact this office.

Sincerely,

Jean Hersley
Technical Records Specialist II