

MEMORANDUM

Date: November 24, 2015

To: Transfer 80535

From: Kerrie Mathews

Re: Transfer Evaluation

Transfer No. 80535 for water right 22-13923 proposes to split a portion of the right and move the split portion to a new place of use with a new point of diversion. In addition, the transfer proposes to update the ownership on the split and remaining portions of 22-13923. The split portion will be in the name of the transfer applicant, DMA Family Trust. The remaining portion of right 22-13923 will be in the name of Hufsmith Family Trust.

Authority to file:

Water right 22-13923 is currently in the name of Guiomar W Hufsmith. Teton County taxlot data shows that part of the existing place of use is owned by McCord Family LLC and part is owned by DMA Family Trust. The applicant provided multiple warranty deeds showing that the portion of water right 22-13923 was validly conveyed to DMA Family Trust. There appears to be errors in the property description in warranty deeds for Section 25 NENW1/4, SWNW1/4 & NWNW1/4. However, instrument #193067 - signed by Robert Hufsmith, representing the Hufsmith Farm Trust, conveys a 60-acre portion of water right 22-7282 (Original #) to McCord Family Farm and retains the portion being changed in the pending application. The applicant also provided a Quit Claim Deed from the Hufsmith Farm Trust for the 18 acres being changed. Portions of the water right list Key Bank as a security interest - the application contained a release/authorization from Key Bank to process the application.

Validity of the Water Right:

Water rights 22-13923 was decreed on November 8, 2008. 2009 and 2015 aerial photos indicate that 18 acres at the existing place of use and proposed place of use may have been irrigated. IDWR does not have clear and convincing evidence that the portion of water right 22-13923 involved in this transfer has been forfeited.

Injury to Other Water Rights:

No injury to other water rights was identified. The application was advertised, no protests were received.

Local Public Interest:

No issues identified.

Beneficial Use / Conservation of Water Resources:

No issues identified.

Review of the application finds there is not clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this transfer application.