

MEMORANDUM

Date: December 4, 2015

To: Transfer 80446

From: Kerrie Mathews

Re: Transfer Evaluation

Transfer No. 80446 for water right 35-8362 proposes to move the water right to a new place of use with a new point of diversion.

Authority to file:

The water right is currently in the name of PEP LLC. The current place of use is in the name of Alan and Connie Funk. The new place of use is in the name of PEP LLC. The application was signed by Chris Pratt a representative of PEP LLC, who has signature authority for the company. The backfile for this water right contained an warranty deed transferring ownership of the current place of use from the Funk's to PEP LLC. There is no security interest on the water right. The water right is currently leased to the Water Supply Bank. The Water Supply Bank is aware of the transfer, the Representative is working on paperwork to release the right from the Water Supply Bank.

Validity of the Water Right:

Water right 35-8362 was licensed on April 14, 1997. A portion of the right was placed in the Water Supply bank in 2008 and a portion (38.5 acres) was left out of the Bank. On December 3, 2015 the applicant's representative submitted documentation that the 38.5-acre portion was in the CRP program under the name of Alan Funk. Aerial photography does not shows consistent irrigation. However, the water right was in the Water Supply Bank and under Contract with FSA to be held unused. Forfeiture does not appear to be an issue.

Injury to Other Water Rights:

No injury to other water rights was identified. An ESPA analysis was conducted and submitted with the application. The analysis was set up correctly and showed that no mitigation is required. The application was advertised, no protests were received. The water master for WD120 was notified of the transfer and did not oppose the transfer.

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.