

MEMORANDUM

Date: July 22, 2015
To: Transfer 80188
From: Kerrie Mathews
Re: Transfer Evaluation

Transfer No. 80188 for water rights 35-2894, 35-7667 and 35-2835A proposes to split a portion of each right and move the split portions to a new place of use with a new point of diversion to cover a violation (E2014-649). The original application was submitted on May 1, 2015, an amended application was necessary and was submitted on June 11, 2015.

Authority to file:

Water right 35-2835A is in the name of Schelske Family Trust, 35-2894 is in the name of Chana Duffin and Amber Giesbrecht and 35-7667 is in the name of Jeffery and Chana Duffin. The application contained Quit Claim, Grant and Gift Deeds establishing that the applicant has the authority to file the requested transfer. The new place of use is owned by Jeffery and Chana Duffin. Correspondence included with the transfer application indicated that an ownership change would be submitted for the split portions upon approval of the transfer application.

Validity of the Water Right:

Water rights 35-2835A and 35-2894 were decreed on February 15, 2002. Water right 35-7667 was decreed on December 24, 2001. The place of use for water right 35-2835A was placed in the USDA CRP program for Foster Farms in 2009. The applicant and representative argue - regardless of property ownership the CRP contract carried forward to the new property owners and was valid until 2014. There is not clear and convincing evidence that the transferred portions of water rights 35-2835A, 35-2894 and 35-7667 have been forfeited due to nonuse.

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.