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JUN 11 2015

Department of Water Resources
Eastern Region

June 9, 2015

Kerrie Mathews
Idaho Department of Water Resources
900 North Skyline Drive, Suite A
Idaho Falls, ID 83402-1718

Re: Jeff Duffin Irrigation Transfer

Dear Mrs. Mathews:

I received your email dated May 19, 2015 regarding the issues on a transfer submitted April 28, 2015 for Jeff Duffin.

It was necessary to make several changes to the application and therefore an amended application is attached to this letter.

A Quitclaim Deed of a portion of 35-2894 from Red Farms, LLC to Jeff and Chana Duffin has been signed, notarized and attached to this letter.

An adjustment to the proposed place of use of the transfer was done in the NWSW of Section 26. A 0.3 acre portion was removed from the proposed place of use that will not be able to be irrigated due to a culvert and steep embankments. Therefore, there is no need to transfer a 0.3 acre portion of 35-2296.

A Conservation Reserve Program contract (CRP), CRP field map and a letter from the Farm Service Agency dated July 16, 2009 was supplied with the original transfer application relating to water right 35-2835A. The same three documents are attached to this letter.

The letter from the FSA is not a legal document, it is an informative document that the FSA contract 8936B was valid through 2014. Meaning that the contract was valid for fields 1, 3 and 5 through 2014. The ownership of the property may have changes over the last couple of years but the CRP contract was active with the old owner and the new owner.

The CRP contract lists the Contract Number as 8936B (Box 3) and also identifies the Tract Number as 1074 (Box 6). The contract identifies the fields in Box 11.B as fields 1, 3 and 5. The corresponding acres are in Box 11.D of

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6.4, 5.9 and 5.0 acres. The CRP map provided identifies the area mapped as Tract 1074. Fields 1, 3 and 5 are clearly identified in this CRP map.

The acres not irrigated under 35-2835A due to the CRP contract are identified in the contract as fields 1, 3 and 5 are protected from forfeiture from 2005 through 2014.

Water right 35-2894 was decreed in the SRBA on February 15, 2002. In the partial decree, 35.0 acres were assigned to the SESE of Section 14 of Township 5 South Range 30 East. In 2009 there was 35.0 acres of irrigation that occurred in the SESE of Section 14. Thus indicating that the full amount of water allotted for that QQ was utilized. The partial decree sets the allowed irrigation acre amount. The shape file does not set the irrigation acre amount. In fact, the shape file in the SESE has an area of 34.6 acres instead of the full 35.0 acres. The shape file for 35-2894 is inaccurate and the proposed 2.7 acres should be able to be transferred off because of the irrigation that occurred in 2009 in the SESE of Section 14.

Due to the removal of water right 35-2296 from the transfer, a new ESPA Model analysis was required. The new model analysis indicates that no mitigation will be required due to this transfer.

Please continue to process this transfer application.

Sincerely,



Greg Sullivan, M.S., Engineer

Cc: Jeff Duffin

Enc: Aerial Maps, Quitclaim Deed, CRP Contract, CRP Field Map, CRP Letter, ESPA Model Analysis

Mathews, Kerrie

From: Mathews, Kerrie
Sent: Tuesday, May 19, 2015 1:57 PM
To: 'Greg Sullivan'
Subject: Jeff Duffin Transfer

Good Afternoon:

The Department has conducted the initial review of the application for transfer you submitted on behalf of Jeff Duffin. During the review several items were found requiring further clarification and/or documentations.

1. Ownership concern:

- a. Instrument #655718, dated December 31, 2013 – Conveys ownership of land and water from Chana Duffin and Amber Giesbrecht to RED Farms, LLC. The Quitclaim Deed dated April 2, 2015 conveys a portion of water right 35-2894 from Chana Duffin and Amber Giesbrecht to Jeff and Chana Duffin. Although all parties are listed as members in RED Farms LLC, the Quitclaim Deed needs to be corrected to show a portion of the water right is being transferred from RED Farms, LLC to Jeff and Chana Duffin.

2. CRP documentation:

- a. The letter dated July 16, 2009 from the FSA regarding the extension of the CRP contract to September 30, 2014 does not include a land list documenting the lands the contract applies to. In addition, the letter is written to Foster Farms. The water right is owned by the Schelske Family Trust. Please provide documents that include a land list and the connection between Schelske Family Trust and Foster Farms.

3. Minimum transferable acres:

- a. The Department will not split and move less than 1 acre from an existing water right.

4. Forfeiture:

- a. The water rights were either decreed or licensed during the 2001 and 2002 time period. Full beneficial use of these rights would have had to occur by 2009 to avoid the issue of forfeiture. Using aerial photography for 1987, 2009 and 2013 the irrigation actually developed does not appear to be consistent with the decrees and/or license.

The Department will hold your application for a 30 day period awaiting further clarification of the above mentioned items. If you have any questions, please let me know.

Sincerely,

Kerrie Mathews

Idaho Department of Water Resources
208-525-7161
208-390-6924

"There is only one success -to be able to spend your life in your own way."
-Christopher Morley



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MAY 01 2015

Department of Water Resources
Eastern Region

April 28, 2015

Lyle Swank
Idaho Department of Water Resources
900 North Skyline Drive, Suite A
Idaho Falls, ID 83402-1718

Re: Jeff Duffin Irrigation Transfer

Dear Mr. Swank:

Jeff Duffin desires to transfer 15.5 acres of irrigation water to four pivot corners on a farm near Aberdeen, Idaho. It is proposed to transfer portions of water rights 35-2296, 35-7667, 35-2835A and 35-2894 to a POD located at Township 6 South Range 30 East Section 26 SESW.

Water right 35-2835A was enrolled in CRP from 10/1/1999 through 9/30/2014. Water right 35-2835A is currently not contracted for CRP.

Quitclaim Deeds and Warranty deeds are attached to this letter to verify ownership of the water right portions to be transferred. Ownership of the portions of water rights to be transferred will be updated after the transfer is approved.

The ESPA model was utilized to analyze the proposed transfer and no mitigation is required due to the transfer.

Please copy our office on all correspondence regarding this application.

Sincerely,

Greg Sullivan, M.S., Engineer

Cc: Jeff Duffin

Enc: Aerial Maps, Quitclaim Deeds, Warranty Deeds, ESPA Model, Brockway Engineering
Check # 12619 for \$500.00

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