

MEMORANDUM

Date: February 17, 2015
To: Transfer 79817
From: Heather Bohac
Re: Review & Evaluation of Sufficiency of Information

This transfer proposes to add a point of diversion to water rights 35-13811, 35-13812, 35-13813 and the split portion of 35-13810 (35-14418). The point of diversion being added will be a new well in T06S, R29E, Sec. 20 SWSWNW. Two ownership changes (water right 35-13812 & 35-14418) will also occur as a result of this transfer. The applicants would also like to combine the place of use for water rights 35-13811 (445.5 acres), 35-13812 (132 acres), 35-13813 (25 acres) & 35-14418 (97.5 acres). These rights will be limited to a 700 acre combined place of use. Water right 35-13810 will be limited to 5 acres.

The place of use for water right 35-13810 was listed incorrectly on the water right report and was also listed incorrectly on the application. The water rights lists 19.5 acres in the NESW, Sec. 29 when the acres being irrigated are located in the NESE, Sec. 29 and 5 acres in the NWNW, Sec. 33 when the irrigated acres are actually located in the NENW Sec. 33. This error most likely occurred when 35-13810 was created from parent right 35-7255 in 2008. Water listed under water right 35-13811 was also listed incorrectly on the application. The acres were described in the NWSW & SWSW, Sec. 29 when they are listed on the water right report and actually being irrigated in the NWSE & SWSE, Sec. 29. An amended page has been added to the application describing the correct place of use and correct the errors. Monty Funk was notified of the need for the amendment and an attached email authorizes the changes.

Authority to File:

Monty & Carolene Funk are the owners of water rights 35-13811 & 35-13813. They have provided warranty deeds showing that they are the current owners of water right 35-13812 & 97.5 acres of water right 35-13810. The remaining 5 acre portion of 35-13810 will still be owned by Roth Ranches.

Water Right Validity:

35-13810 & 35-13811 were decreed on 02/15/2002. 35-13812 & 35-13813 were decreed on 4/8/2002. 2013 aerial photography shows lands to be irrigated. Forfeiture is not an issue.

Injury to Other Water Rights:

No issues identified. Water rights are within WD 120. Water master does not oppose this transfer. This transfer has been advertised state wide and no protests were received.

Enlargement of Use:

No issues identified.

Beneficial Use/Conservation of Water Resources:

No issues identified.

Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.