

MEMORANDUM

Date: September 29, 2014

To: Transfer 79463

From: Scott Bergendorf

Re: Transfer Analysis

This transfer proposes to change the place of use and the point of diversion for a 71-acre portion of water right 35-7477A. The new split portion will be assigned water right no. 35-14395.

Monty & Carolene Funk have demonstrated ownership of a 2.00 cfs portion of water right 35-7477A. A companion transfer (79464) filed by the Funks proposes to change the nature of use, point of diversion, and place of use for 0.03 cfs of their portion of water right 35-7477A.

Authority to File:

The applicants, Monty & Carolene Funk, own the property at the proposed place of use. Water right 35-7477A is currently in the name of MPH Farms. The backfile for water right 35-7477A includes a warranty deed from William & Joanne Toevs to MPH Farms. The deed states that 2.0 cfs of water right 35-7477A was reserved by the Toevs, but could be used by MPH Farms until Toevs transferred the reserved portion to another property. The transfer application included a purchase agreement addendum showing that William and Joanne Toevs sold the 2.0 cfs portion of water right 35-7477A to Monty & Carolene Funk. Ownership of the split portion of the water right will be updated to be in the name of Monty and Carolene Funk.

Water Right Validity:

Water right was decreed in 2002. Review of aerial photography indicates regular use of the water rights. Forfeiture is not an issue.

Injury to other Water Rights:

Inside the ESPA and within WD 120. Existing and proposed wells are in the same cell therefore no ESPA analysis is required. Transfer was advertised and there were no protests. The watermaster does not oppose the transfer.

Enlargement of Use:

The proposed change will not result in enlargement of use. Neither rate nor acres will increase as a result of the transfer.

Local Public interest:

No issues identified.

Beneficial Use/Conservation of Water Resources:

No issues identified.