

MEMORANDUM

Date: April 15, 2013
To: Transfer
78330
From: Kerrie Mathews
Re: Transfer Evaluation

Transfer 78059 was filed in June 2012 and has been renumbered as Transfer 78330 in the new transfer processing computer system. Transfer 78330 proposes to change the place of use for three water rights (34-644F, 34-780I & 34-2323E) to cover a new pivot irrigation system. The transfer will also update the ownership of the water rights.

Authority to file:

Water rights 34-644F, 34-780I & 34-2323E are currently in the name of Mark Schluter. The applicant provided a warranty deed, (dated 8/30/2012) conveying full interest in the water rights from Mark Schluter to Randy Pehrson. During a backfile investigation it was found that the property underlying the water rights was subdivided and sold to several owners in 2004. In 2005 a warranty deed was submitted by Marc Hanselman, who purchased a portion of the property and attempted to update the ownership. The ownership change was not processed due to insufficient information. However, the warranty deed, (dated 3/22/2004) submitted by Marc Hanselman is silent on water rights appurtenant to the property. Mr. Pehrson's warranty deed dated 8/30/2012 only conveys that portion of the water rights which are appurtenant to the 39.4 deeded acres. Based on the warranty deed submitted and the history surrounding this property the transfer was processed by splitting the water rights and only transferring that portion of the rights which were conveyed based on the chain of title.

Validity of the Water rights:

Water rights 34-644F, 34-780I & 34-2323E were decreed in 2002. Aerial photography does not show consistent irrigation. The applicant submitted documentation from the water master for WD34, showing that significant water was lost due to shrink, making it economically infeasible to grow a crop. Although forfeiture was initially a concern, delivery information from WD34 records addressed the concern.

Injury to other water rights:

No injury to other water rights was identified. The Application was advertised. No protests were filed. The water master for WD 34 does not oppose the application.

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.