

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

82857

RECEIVED

NOV 29 2018

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at www.idwr.idaho.gov.

Name of Applicant(s) JOHN AND RUBY MILLER

Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.

Yes N/A * Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- ☐ ☒ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application.
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-10.

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☒ #2a Water Right ownership documentation if Dept. records do not show the applicant as the current water right owner. **
- ☐ ☒ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). **
** Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☒ ☐ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. If some or all of any right is leased to the Water Supply Bank, you must also show the the specific location and/or acres to be idled at the new, proposed place of use to satisfy lease requirements.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see fee schedule.
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☒ #9 Water Supply Bank information for all rights proposed for transfer and currently leased to the Bank. (Attachment WSB)
- ☐ ☐ #10 Other. Please describe: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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NOV 29 2018

DEPARTMENT OF
WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) JOHN MILLER, RUBY MILLER Phone 208.756.3217

Mailing address 176 RED ROCK STAGE RD, SALMON ID 83467 Email _____

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☒ No Representative

Name of Representative _____ Phone _____

Mailing address _____ Email _____

- ☐ Send all correspondence for this application to the representative and not to the applicant.
OR
- ☐ Send original correspondence to the applicant and copies to the representative.
- ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.
OR
- ☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

John M Miller
Signature of Applicant or Authorized Representative

John W Miller
Print Name and Title if applicable

Nov 21/18
Date

Ruby Miller
Signature of Applicant or Authorized Representative

Ruby Miller
Print Name and Title if applicable

Nov 21/18
Date

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2**.
 Create a 158.8 acre permissible place of use, limited to 127.1 ac irrigation each year. See attached map for 2019 irrigated area. An application for permit will be filed to establish a new waste water right for acres east of Red Rock Stage Rd.



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☒ ☐	74-662	0.81	IRRIGATION	03/15 to 11/15	LEMHI R/SALMON R
☒ ☐	74-15604	3.0	IRRIGATION	03/15 to 11/15	LEMHI R/SALMON R
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 3.81 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 3.81 cubic feet per second and/or _____ acre-feet per year.

3. Point(s) of Diversion:

- ☒ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA.
 Label it **Attachment #5**.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
20N	23E	10									2.5			1.4	0.2	10.9	26.7	15.4	57.1
20N	23E	15	28.5	20.6	15.6	26.9									10.1				101.7
Total Acres (for irrigation use)																			158.8

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued**

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

Existing diversion at L22 has a headgate and measuring device and is administered by WD74.

- b. Who owns the property at the point(s) of diversion? N/A

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

If yes, ☐ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: NO

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank? NO

If yes, ☐ complete Attachment WSB.

- e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:
POU will be modified to reflect present and future irrigation practices. All 127 acres have been irrigated in past 5 years, although some acres are not in conformance with decree. Acres east of Red Rock Stage Rd may be irrigated with waste water or Lemhi R rights. See also companion app for permit.

- f. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:

- g. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- ☐ ☒ undergone a period of five or more consecutive years of non-use,
☐ ☒ currently leased to the Water Supply Bank,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right, or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe:

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 74-662

Current Owner: JOHN MILLER
RUBY MILLER

Priority Date: 5/17/1949

Origin: Water Right

Status: Active

Basis: Decreed

Source

LEMHI RIVER

Tributary

SALMON RIVER

Beneficial Use

IRRIGATION

From To

3/15 to 11/15

Diversion Rate

0.81 CFS

Annual Volume

Total Diversion

0.81 CFS

Location of Point(s) of Diversion

LEMHI RIVER

SE1/4NE1/4

Sec. 25, Twp 20N, Rge 23E B.M.

LEMHI County

Place of Use

IRRIGATION Within LEMHI County

T20N R23E S15

SWNE

2.00

T20N R23E S15

SENE

25.00

Total Acres: 27

Conditions of Approval:

1. E64 This right authorizes the irrigation of 26.9 total acres.
2. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Decreed Date: 7/9/2007



82857

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 74-15604

Current Owner: JOHN W MILLER
RUBY MILLER

Priority Date: 4/1/1895

Origin: Water Right

Status: Active

Basis: Decreed

Source

LEMHI RIVER

Tributary

SALMON RIVER

Beneficial Use

IRRIGATION

From To

03/15 to 11/15

Diversion Rate

3 CFS

Annual Volume

Total Diversion

3 CFS

Location of Point(s) of Diversion

LEMHI RIVER

SE1/4NE1/4

Sec. 25, Twp 20N, Rge 23E B.M.

LEMHI County

Place of Use

IRRIGATION Within LEMHI County

T20N R23E S10	NESE	3.90	T20N R23E S10	NWSE	12.60
T20N R23E S10	SWSE	27.80	T20N R23E S10	SESE	18.20
T20N R23E S15	NENE	27.10	T20N R23E S15	NWNE	10.60

Total Acres: 100.2

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Decreed Date: 7/9/2007

A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements.)

- ☒ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a**.
- ☒ If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. Label it **Attachment #7b**.

If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

If any part of the irrigation water right is leased to the Water Supply Bank, you must also specify the location and number of acres that will remain idled for the duration of the lease contract at the new, proposed place of use.

B. CHANGES IN NATURE OF USE (Water Balance)

- ☐ If you propose to change the nature of use or period of use of all or part of the rights(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

- ☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b**.

Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above:

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or other markings on the paper.

FOR DEPARTMENT USE ONLY

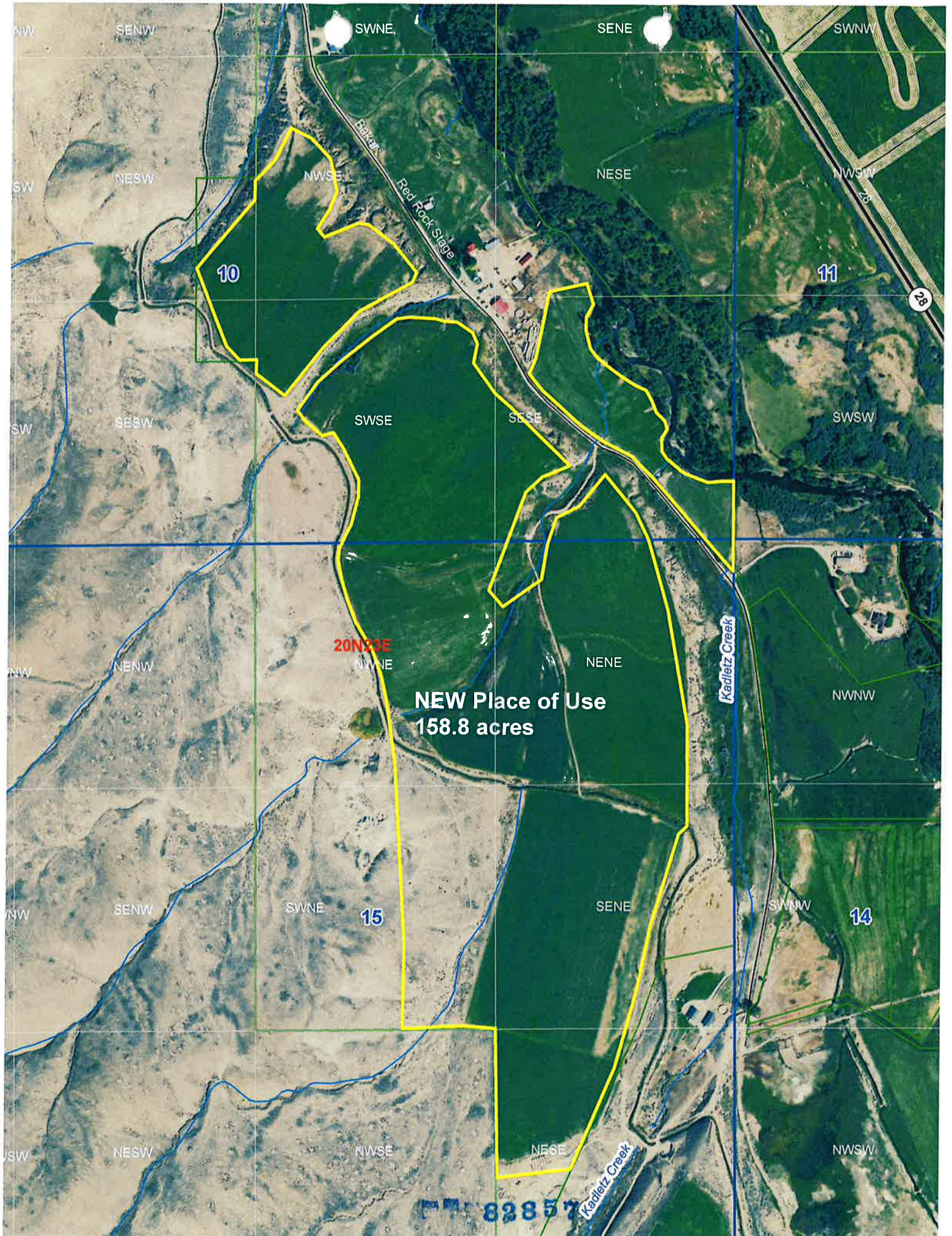
Transfer contains _____ pages and _____ attachments.

Received by AV Date 11-29-18 Preliminary check by [Signature] Date 11-30-18

Fee paid 840 Date 11-29-18 Received by su Receipt # C105924

Add'l fee paid _____ Date _____ Received by _____ Receipt # _____

Check all that apply: Attachment WSB ☐ (copy sent to state office) Lessor Designation form ☐ &/or W-9 ☐ (originals to state office)



MEMORANDUM

Date: February 19, 2019
To: Water Right File 74-16206 and 74-662, 74-15604
From: Ashley Ritter
Re: Application Review Update

The acres proposed in permit 74-16206 are currently irrigated under Water Right 74-15604 (with a different POD), owned by the applicants John and Ruby Miller, and that right is proposed to be transferred, but will still include the POU for the above mentioned permit. Transfer 82857 includes water rights 74-662 and 74-15604 (Lemhi water). If Lemhi water is ran to the new permitted area (74-16206) then a combined limit condition should be applied to license. If the Lemhi water and permit 74-16206 are developed as separate primary rights then a combined condition will not be needed during licensing.

Webster, Clay

From: Webster, Clay
Sent: Thursday, January 17, 2019 12:41 PM
To: Yenter, Cindy
Subject: RE: Miller transfer 82857

Cindy,

This is in my in box to review, the permit was reviewed by Pam prior to her departure. I'll keep an eye out for this permit to not approve until transfer is approved. Thanks for the head's up.

Clay

From: Yenter, Cindy
Sent: Thursday, January 17, 2019 12:29 PM
To: Webster, Clay <Clay.Webster@idwr.idaho.gov>
Subject: Miller transfer 82857

Clay, do you know what happened to this transfer? It was filed with an accompanying waste water application 74-16206. The application is in advertising, but the transfer is not, and the transfer needed to be processed first to avoid stacking the rights. So long as you are aware of this and don't approve the permit ahead of the transfer it will be ok, but advertising the permit first is creating a bit of confusion and doesn't portray the entire proposal.

Cindy Yenter
Idaho Dept of Water Resources
Salmon Field Office
102 S Warpath, Salmon ID 83467
cindy.yenter@idwr.idaho.gov
208-742-0655
208-731-0901 cell

Hersley, Jean

From: Yenter, Cindy
Sent: Monday, February 04, 2019 8:40 AM
To: Hersley, Jean
Subject: Watermaster comments Transfer 82857 in the name of John and Ruby Miller

I do not object to this approval.

The evaluation memo mentions that combined limits would be applied and conditions "will address actual use during the development period". **The conditions should allow primary development and not have the effect of rendering the waste water right supplemental.**

Applicant does intend to use the Lemhi rights on acres above the road and to develop the waste water permit 74-16206 as a primary right.

*Cindy Yenter
Watermaster, Water District 170
IDWR Salmon Field Office
102 S Warpath, Salmon ID 83467
cindy.yenter@idwr.idaho.gov
208-742-0655
208-731-0901 cell*

From: Hersley, Jean
Sent: Wednesday, January 30, 2019 1:04 PM
To: Yenter, Cindy <Cindy.Yenter@idwr.idaho.gov>
Subject: Comment Letter via Email- No Advertising

Please see the attached letter regarding comments for Application for Transfer 82857. If you have any questions, please contact me. Thank you.

*Jean Hersley
Idaho Dept Water Resources
Technical Records Specialist II
208-287-4942*

Hersley, Jean

From: Hersley, Jean
Sent: Wednesday, January 30, 2019 1:04 PM
To: Yenter, Cindy
Subject: Comment Letter via Email- No Advertising
Attachments: Comment Letter via Email- No Advertising.doc; 20190130125318.pdf; 20190130125324.pdf

Please see the attached letter regarding comments for Application for Transfer 82857. If you have any questions, please contact me. Thank you.

*Jean Hersley
Idaho Dept Water Resources
Technical Records Specialist II
208-287-4942*

January 30, 2019

WATER DISTRICT NO. 170
CINDY YENTER, WATERMASTER
102 S WARPATH
SALMON ID 83467

Via Email

RE: Transfer No. 82857
Water Right Nos. 74-662 & 74-15604

Dear Interested Party:

The Department of Water Resources is seeking written comment and/or recommendations from you regarding the above referenced water right transfer. I have attached a copy of the application and review memo for your reference.

Pursuant to Section 42-222, Idaho Code, this office will not be publishing this transfer application since the applicants proposing to change the place of use (POU) to reflect present and future irrigation practices, creating a 158.8 acre permissible place of use, limited to 127.1 irrigated acres. The water rights are not being transferred from the property. However, your prompt response to this request is appreciated. If you have any comments or concerns, please respond within 15 days of the date of this letter. If no response is received, we will assume there aren't any concerns and the Department will continue processing these application.

Please contact this office if you have any questions regarding the application.

Sincerely,

Jean Hersley
Technical Records Specialist II

Enclosure(s)

State of Idaho
Department of Water Resources
Transfer of Water Right(s)
RECOMMENDATION FORM

Transfer Application No.: 82857

Water Right No(s): 74-662 & 74-15604

Transfer Applicant's Name: JOHN MILLER
RUBY MILLER
176 RED ROCK STAGE RD
SALMON ID 83467

Water master's Recommendation:

- a) _____ I do not oppose approval of this application.
- b) _____ I do not oppose approval of this application if it is conditioned as follows:
- c) _____ I oppose approval of this application for the following reasons:
- d) _____ Additional comments:

Dated this _____ day of _____, 2019

Water District No. 170

Water master's Signature

Printed Name

Hersley, Jean

From: Hersley, Jean
Sent: Wednesday, January 30, 2019 1:02 PM
To: 'RICK375@CENTURYTEL.NET'
Subject: Comment Letter via Email- No Advertising
Attachments: Comment Letter via Email- No Advertising.doc; 20190130125318.pdf; 20190130125324.pdf

Please see the attached letter regarding comments for Application for Transfer 82857. If you have any questions, please contact me. Thank you.

*Jean Hersley
Idaho Dept Water Resources
Technical Records Specialist II
208-287-4942*

January 30, 2019

WATER DISTRICT NO. 74
RICK SAGER, WATERMASTER
985 HWY 28
SALMON ID 83467

Via Email

RE: Transfer No. 82857
Water Right Nos. 74-662 & 74-15604

Dear Interested Party:

The Department of Water Resources is seeking written comment and/or recommendations from you regarding the above referenced water right transfer. I have attached a copy of the application and review memo for your reference.

Pursuant to Section 42-222, Idaho Code, this office will not be publishing this transfer application since the applicants proposing to change the place of use (POU) to reflect present and future irrigation practices, creating a 158.8 acre permissible place of use, limited to 127.1 irrigated acres. The water rights are not being transferred from the property. However, your prompt response to this request is appreciated. If you have any comments or concerns, please respond within 15 days of the date of this letter. If no response is received, we will assume there aren't any concerns and the Department will continue processing these application.

Please contact this office if you have any questions regarding the application.

Sincerely,

Jean Hersley
Technical Records Specialist II

Enclosure(s)

State of Idaho
Department of Water Resources
Transfer of Water Right(s)
RECOMMENDATION FORM

Transfer Application No.: 82857

Water Right No(s): 74-662 & 74-15604

Transfer Applicant's Name: JOHN MILLER
RUBY MILLER
176 RED ROCK STAGE RD
SALMON ID 83467

Water master's Recommendation:

- a) _____ I do not oppose approval of this application.
- b) _____ I do not oppose approval of this application if it is conditioned as follows:
- c) _____ I oppose approval of this application for the following reasons:
- d) _____ Additional comments:

Dated this _____ day of _____, 2019

Water District No. 74

Water master's Signature

Printed Name

MEMORANDUM

Date: January 7, 2019
To: Transfer 82857
From: Ashley Ritter
Re: Review & Evaluation of Sufficiency of Information

Purpose: The department received this application from John and Ruby Miller on November 29, 2018. This application proposes changing the place of use (POU) for water rights 74-662 and 74-15604 to reflect present and future irrigation practices, creating a 158.8 acre permissible place of use, limited to 127.1 irrigated acres each year. No change to the point of diversion (POD) is proposed.

Water right 74-15604 authorizes 3.0 cfs for the irrigation of 100.2 acres located within T20N, R23E, Sec 10 and T20N, R23E, Sec 15.

Water right 74-662 authorizes 0.81 cfs for the irrigation of 26.9 acres located within T20N, R23E, Sec 15.

The applicants have also applied for a permit to appropriate water (74-16206) for irrigation of ten (10) acres sourced from waste water. The 10 acres are located as followed: 9.4 acres located within T20N, R23E, Sec 10, SE1/4, SE1/4, 0.2 acres located within T20N, R23E, Sec 10, NE1/4, SE1/4, and 0.4 acres located within T20N, R23E, Sec 15, NE1/4, NE1/4. The above mentioned 10 acres are currently irrigated under Water Right 74-15604 that is included in this proposed transfer. The transfer POU will still include the acres associated with permit 74-16206 in its permissible place of use. Permit 74-16206 would irrigate with a different POD than water rights 74-662 and 74-15604. A combined right limit will be applied to the license and will address actual use during the development period.

POUs: The 158.8 acre proposed permissible place of use is located on land owned by the applicants within the northeast, southwest, and southeast quarters of T20N, R23E, Sec 10 and T20N, R23E, Sec 15.

PODs: Water rights 74-662 and 74-15604 share the same POD (surface water sourced from the Lemhi River). No change to the current POD for these two water rights is proposed.

Authority to File: According to available Lemhi County tax lot information, the POU is owned by John Miller. Water rights 74-662 and 74-15604 are in the name of John Miller and Ruby Miller. Both right holders signed the transfer application.

Water Right Validity:

74-662 and 74-15604 were decreed in the SRBA in July of 2007. There are no concerns of forfeiture.

Injury to Other Water Rights: If the transfer is approved, the water right record will more accurately reflect present and future irrigation practices. According to the applicants the POD for the rights mentioned above is regulated by Water District #74. The transfer will not change the amount of water currently being diverted from the above mentioned rights. The POU is on land owned by the applicants. Legal advertisement is not anticipated. There appears to be no potential for injury to other water rights.

Enlargement of Use:

This transfer proposal will not authorize additional overall diversion of water nor any increase in beneficial use from the current water rights.

Local Public Interest: There are no apparent issues identified.

Beneficial Use/Conservation of Water Resources: This proposed transfer will not change the authorized beneficial use under this right. The transfer appears consistent with the conservation of water resources in Idaho.

Effect on Economy the Local Area: No negative effect is anticipated from this transfer.

Effect on Agricultural Base of the Local Area: No negative effect is anticipated from this transfer

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.

MEMORANDUM

Date: January 7, 2019
To: Transfer 82857
From: Ashley Ritter
Re: Legal Notice Not Required

Legal Notice Not Required
1/7/2019

Pursuant to Section 42-222, Idaho Code, the Department has discretion to provide public notice as deemed appropriate. The water right changes proposed through this transfer application do not appear to change the effect on the original or hydraulically connected water source or affect other water rights. Therefore, staff review of the transfer application found no cause to require public notice. This application will continue processing without advertisement and be forwarded for approval consideration.

MEMORANDUM

DATE: December 31, 2018
TO: Water Right File 74-00662
FROM: Ashley Ritter

RE: Phone Conversation with John Miller

After reviewing transfer application #82857, (involving water right 74-662 & 74-15604) I called John Miller to verify the map attachment sent in with the transfer application titled, "NEW Place of Use 158.8 acres" is the map that presents the transfer place of use (two map attachments were sent in). John verified that this map displays the correct place of use covered under the transfer application and that the acres east of Red Rock Stage Rd (that are included as the place of use for a new application for permit) will be included in the transfer.