

MEMORANDUM

Date: July 14, 2017
To: Transfer 81734
From: Cooper Fritz
Re: Review & Evaluation of Sufficiency of Information

This transfer reduces and clarifies 13-7128's place of use, and changes and adds points of diversion. At the time of this transfer's approval, the PLSS grid and aerial photography were poorly rectified in the area. As a result, the points of diversion appeared on the map to be in the SESW and NESW of Section 15. In reality, the points of diversion are in the locations described on the approval document.

Authority to File:

Based on the available evidence, the applicant, Ronald E Mumford, has the authority to file. At the time of transfer submittal, the water right was owned by G Eugene Mumford. The water right was licensed in the name of G Eugene Mumford in 1986. "The G.E. Mumford Family Trust" was created by G. Eugene and Betty Jo Mumford on 12/12/1990 and amended on 11/24/1992. The Trust's creation was not recorded. It made reference to the land owned "as described by 'Schedule B'". "Schedule B" could not be located. However, a "Schedule B" describing the land of the trust was located in Instrument No. 192561. That instrument, dated 12/30/1994, deeded the land from the G.E. Mumford Family Trust (termed the "G.E. Mumford Marital Trust") to Betty Joe Mumford as a Trustee of the G.E. Family Trust. "Schedule B" included the pre-transfer and post-transfer place of use for right 13-7128. An "Affidavit and Acceptance of Trusteeship," Instrument No. 256830, dated 12/10/2012, allowed Ronald E. Mumford to sign for the G.E. Mumford Family Trust, created on 12/12/1990. This instrument followed Betty Jo Mumford's 2006 death. The application was signed by Ronald E. Mumford. Because the evidence suggests that Betty Jo and GE Mumford were co-creators of a single trust, the GE Mumford Family Trust and Betty Jo Mumford Family Trust are considered to be the same. According to Franklin County taxlot data, Betty Jo Mumford or Murray Kay Sears own the land from and onto which the water right is being rearranged. Murray Kay Sears died in 2012. He was survived by his wife, Lisa Mumford Sears, who signed the transfer application. Ownership of the water right will be updated after the transfer is approved.

Water Right Validity:

The water right is valid.
It was licensed in 1986.
Review of post-licensing aerial photography demonstrates that the right has been consistently used.

Injury to Other Water Rights:

No other water rights will be injured as a result of this transfer.
The transfer was advertised and no protests were recieved.

Enlargement of Use:

No enlargement of use will result from this transfer's approval.
This transfer serves to concentrate 13-7128 limited rate and volume on 125 acres, as opposed to the 150

acres as licensed.

This transfer was submitted simultaneously with Transfer 81722. Transfer 81722 rearranges a portion of right 13-137 that overlapped with 13-7128 on 10 acres in the SESE of Section 15. Prior to the submittal of the two transfers, rights 13-137 and 13-7128 combined to cover 180 acres. After approval of the two transfers, the two rights will cover a total of 165 acres and no longer overlap.

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.