

MEMORANDUM

Date: September 3, 2014
To: Transfer 79460
From: Cooper Fritz
Re: Review & Evaluation of Sufficiency of Information

This transfer proposes to rearrange 20.5 acres of the POU for right 21-22. It is one of two transfers, filed simultaneously, which together propose to rearrange the POU for rights 21-22, and stacked rights 21-60E and 21-61A, on four lots in the SW 1/4 of T08N, R42E, Section 19. The other transfer is numbered 79457. Upon approval of the two transfers, the three rights will overlap on 20.2 acres.

After the transfer was filed and advertised, one of the applicants, Verl Miller, asked the Department to reduce the proposed place of use to exclude rock piles that were covered by the SRBA decree. The rock piles have always been part of the water right, but have never been effectively irrigated. The application does not seek to move those acres elsewhere, so there are no enlargement concerns. The 7 acres of rock are located in the SWNE of Section 29, T08N, R42E.

Authority to File:

The four signatories, Linda, Tim, Sharon, and Verl Miller, together have the authority to file. At the time of this Transfer's submittal, right 21-22 was in the name of Ralph D. Miller. The applicants have provided Ralph D. Miller's Certificate of Death, as well as his Last Will and Testament. The Will names Linda Miller as the signatory for the estate in the case of Darlene Miller's death. Darlene Miller's death certificate was provided. An ownership change will be submitted upon Transfer Approval. Of the total 20.5 acres to be rearranged, all are to be moved to land that Fremont County tax lot data, updated 5/8/2014, records as owned by Darlene Miller. Darlene's Last Will and Testament leaves the entirety of those acres to the four signatories. The 4.3 acres to be moved from the SENW of Section 19, are owned by Darlene Miller, according to Fremont County tax lot data, and were left in her Last Will and Testament to the four signatories. The 16.2 acres being moved from the SWNE of Section 29 (not the 7 acres of rockpiles described above) are on land owned by Verl Miller, a signatory on the application.

Water Right Validity:

The water right is valid. It was decreed in 2007. Aerial photography indicates that all acres being rearranged were irrigated in 2009.

Injury to Other Water Rights:

This transfer will not result in injury to other water rights. The POD will remain the same, and no enlargement of use will occur. The transfer was advertised and no protests were received. The Watermaster for Water District 1 does not oppose the transfer.

Enlargement of Use:

No issues identified. The rate of diversion will not increase. When viewed in conjunction with transfer 79457, the number of irrigated acres will be decreased.

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.