

MEMORANDUM

Date: September 5, 2014
To: Transfer 79457
From: Cooper Fritz
Re: Review & Evaluation of Sufficiency of Information

This transfer proposes to rearrange the POU for both stacked rights 21-60E and 21-61A, which will result in a reduction of the POU from 70.5 acres to 60.7 acres. It is one of two transfers filed simultaneously which together propose to rearrange the POU for rights 21-22, 21-60E, and 21-61A on four lots in the SW 1/4 of T08N, R42E, Section 19. The other transfer is numbered 79460. Upon approval of both transfers, the three rights will overlap on 20.2 acres.

Authority to File:

The applicant, Linda Miller, has the authority to file.

The water right at the time of this transfer's submittal was in the name of Ralph D. Miller. The Applicant provided Mr. Miller's death certificate and Last Will and Testament. The Will allowed for Linda Miller to sign for the estate in the event of Darlene Miller's death. Darlene Miller's death certificate was provided.

According to Fremont County tax lot data, updated 5/8/2014, Darlene Miller is the owner of the land from and onto which the rights will be rearranged. Darlene Miller's Last Will and Testament allows Linda Miller to sign on Darlene's behalf.

Water Right Validity:

The water rights are valid.

Both rights were decreed in 2009, and aerial photography indicates consistent irrigation of the POU.

Injury to Other Water Rights:

No injury to other water users will occur as a result of this Transfer. The POD will remain the same, and no enlargement of use will occur. The transfer was advertised and no protests were received. The Watermaster of Water District 1 did not oppose approval of this application.

Enlargement of Use:

No issues identified. Neither the diversion rate nor the number of acres irrigated will be increased as a result of this Transfer.

Local Public interest:

No issues identified.

Beneficial Use/Conservation of Water Resources:

No issues identified. The transfer proposes to decrease the number of acres irrigated, which will increase the irrigation rate per acre by a negligible amount.

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.