

MEMORANDUM

Date: March 11, 2014
To: Transfer 79186
From: Cooper Fritz
Re: Review & Evaluation of Sufficiency of Information

This transfer proposes to create a 462.5-acre combined POU for rights 11-936, 11-937, 11-938, and 11-7130. Right 11-7629 was also included in the original application. However, the applicants asked that water right 11-7629 be removed from the application. The ownership of water right 11-924 (parent right of 11-7629) has been in dispute for a number of years. At this point, it is unclear whether Mr. Romrell owns any part of water right 11-7629. The water right will not be included in the transfer approval and will not be included in any combined limit conditions.

This transfer will also correct the legal description for the point of diversion for water right 11-7130. Aerial photography shows the well is located in the NESE of Section 12, rather than the NWSE as listed on the water right license. The transfer also proposes to update the ownership of rights 11-936, 11-937, and 11-938.

Authority to File:

The applicants have the authority to file. Demar Romrell demonstrated ownership of rights 11-936, 11-937, and 11-938 by providing a chain of deeds leading back to J A C Nelson, the owner listed in the 1924 Dingle Decree. The ownership change was completed in this transfer. Demar Romrell is the owner of record for right 11-7130.

The property under the proposed combined POU is generally owned by Demar Romrell. Kerry Romrell, his son, owns some of the property under the proposed POU. He also signed the transfer application.

The 1924 Bear River Decree (Dingle Decree) contained a number of errors in the place of use descriptions for water rights 11-936, 11-937 and 11-938. It was also vague as to where the 275 acres were actually located. After a detailed review, the Department determined that some of the irrigated acres may have been located on land not owned by Demar or Kerry Romrell. The parcel in question (NE1/4 of Section 12, T15S, R45E) is owned by the Emmaus Fund. The Department provided direct notice of the transfer to the Emmaus Fund, inquiring about its interest in water rights 11-936, 11-937, and 11-938. No response was received.

Water Right Validity:

All four rights are active and aerial photography indicates consistent use.

Injury to Other Water Rights:

No injury to other water rights is expected. The physical location of the groundwater POD is not changing, and the POU created by the transfer is less than the sum of the individual rights' POUs.

Enlargement of Use:

No enlargement is expected as rate, volume, and irrigated acres are not being increased as a result of this transfer.

Local Public interest:

No issues identified.

Beneficial Use/Conservation of Water Resources:

No issues identified.

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.