

MEMORANDUM

TO: Transfer No. 73931 File
FROM: Michele Edl
DATE: February 19, 2009
RE: Evaluation of Sufficiency of Information Submitted

The transfer proposes to change the place-of-use for three water rights to property now owned by the Wiggins

The site is the Wiggins farm which is bisected by Rush Creek south of its confluence with Rattlesnake Gulch in Washington County.

Contact persons for the applicant are Lary Walker, of Walker Law Office, who is attorney for Kermit and Joanna Wiggins, the applicants.

Deviations from Transfer Policy Standards

Summary of Information Submitted

Authority to File: The applicants do not appear to have the authority to file this transfer. The three rights in question, 67-14586, 67-14588 and 67-14592, were recommended and decreed to Brett Newbold. Researching the documents available in the AJ files, I found a copy of the warranty deed dated June 3, 1999 which conveyed the place-of-use to Mr. Brett Newbold and Dan Nelson's December 7, 2006 review of the SRBA recommendation. Both documents support Mr. Brett Newbold as the water right holder, not Kermit and Joana Wiggins.

I composed a letter which outlined their options and gave them a 30-day response deadline. It was sent 2/19/09 and again 2/26/09.