

Cefalo, James

From: Cefalo, James
Sent: Tuesday, May 17, 2022 11:04 AM
To: Ball, Gary
Cc: Esralew, Rachel; Ritter, Ashley; Pilson, Stephen; Jeletic, Michael P
Subject: RE: [EXTERNAL] RE: Water Rights 11-82 and 11-83 Points of Diversion

Gary,

Thank you for your research. I agree that water rights 11-82 and 11-83 were not entered into our database correctly. The 1932 Decree for Paris Creek did not include a section number in the point of diversion descriptions for water rights 11-82 and 11-83. It did, however, include a government lot number and the Township and Range designation (T14S, R44E). Paris Creek only flows through one section in Township 14S, Range 44E – Section 6. Paris Creek flows through Lot 8 in Section 6. Further, there is a major diversion structure on Paris Creek on the western edge of Lot 8 in Section 6. At this time, there are no other recorded water rights associated with that diversion structure. I am persuaded that the Lot 8 referred to in the decree is located within Section 6 rather than Section 1 (which is six miles east of the confluence of Paris Creek and the Bear River Outlet Canal). I have updated the water rights and our mapped point of diversion accordingly.

James



From: Ball, Gary <gary_ball@fws.gov>
Sent: Tuesday, May 17, 2022 8:43 AM
To: Cefalo, James <James.Cefalo@idwr.idaho.gov>
Cc: Esralew, Rachel <Rachel_Esralew@fws.gov>; Ritter, Ashley <Ashley.Ritter@idwr.idaho.gov>; Pilson, Stephen <stephen_pilson@fws.gov>; Jeletic, Michael P <michael_jeletic@fws.gov>
Subject: Re: [EXTERNAL] RE: Water Rights 11-82 and 11-83 Points of Diversion

Good morning, James -

Thank you for providing a copy of the Paris Creek Decree.

I think it is clear that staff who entered data into the Idaho water rights database and GIS misinterpreted the Decree. Thus, contrary to what Ms. Ritter has suggested, it seems it would be possible to correct data in the database and GIS without needing to file a transfer application.

Water Right 11-82 is described on page 58 of the Decree document, and the location of the diversion point is described as "Being in Paris Creek near the junction of Paris Creek and Bloomington Creek in lot 8, Sec. 14 S. R. 44 E., B.M." Water Right 11-83 is described on pages 58 and 59 of the Decree document and the point of diversion is described the same as that of 11-82.

I submit that the Section number was inadvertently omitted in both descriptions in the Decree. Staff somehow decided that the Section number should be 1 during data entry. While there is a Government Lot 8 in Section 1 of T 14 S, R 44 E, that Lot is over 5 miles away from the places of use, and there is no Paris Creek which flows through that Lot. However, Paris Creek does flow through Government Lot 8 of Section 6 of T 14 S, R 44 E on its way to Bear Lake. Further, Lot 8 lies nearly entirely within the place of use polygons as mapped by IDWR for both water rights.

I have attached the BLM Master Title Plat for T 14 S, R 44 E, and a map I prepared showing the location of Paris Creek on the USGS topographic map, the IDWR place of use polygons of both water rights (black hatching), USFWS fee ownership (purple shading), Government Lots 3-9 of Section 6 (dotted red outlines), and IDWR mapped points of diversion in the area.

Simply correcting the Section number from 1 to 6 in the database for these two water rights and correcting the mapped location of the points of diversion in the GIS would take care of this issue.

Thanks,

Gary Ball, PLS, CWRE
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503-736-4788 office
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From: Cefalo, James <James.Cefalo@idwr.idaho.gov>
Sent: Tuesday, May 3, 2022 1:35 PM
To: Ball, Gary <gary_ball@fws.gov>; Ritter, Ashley <Ashley.Ritter@idwr.idaho.gov>
Cc: Esralew, Rachel <Rachel_Esralew@fws.gov>
Subject: RE: [EXTERNAL] RE: Water Rights 11-82 and 11-83 Points of Diversion

Attached is a copy of the 1932 Paris Creek Decree (Pioneer Irrigation and Mfg. Co. v. Southfield Ditch and Canal Co.). The pdf also includes a copy of the 1999 Bear Lake Operation Agreement.

James

 IDAHO DEPARTMENT OF
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From: Ball, Gary <gary_ball@fws.gov>
Sent: Tuesday, May 3, 2022 10:20 AM
To: Ritter, Ashley <Ashley.Ritter@idwr.idaho.gov>

Cc: Cefalo, James <James.Cefalo@idwr.idaho.gov>; Esralew, Rachel <Rachel_Esralew@fws.gov>

Subject: Re: [EXTERNAL] RE: Water Rights 11-82 and 11-83 Points of Diversion

Good morning, Ashley -

The only information I can find on these two water rights are the abstracts and maps of the rights provided online (attached). The abstracts indicate they were decreed on 7/27/1932. I have attempted to find information on these rights from the decrees available online, but am having difficulty doing so. Would it be possible for you to provide me a copy of the relevant portion of the decree dealing with these rights?

Thanks in advance for your help.

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From: Ritter, Ashley <Ashley.Ritter@idwr.idaho.gov>

Sent: Thursday, March 25, 2021 3:01 PM

To: Ball, Gary <gary_ball@fws.gov>

Subject: [EXTERNAL] RE: Water Rights 11-82 and 11-83 Points of Diversion

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Good afternoon,

For the point of diversion description to be changed on the water rights you mentioned, 11-82 and 11-83, the water right owner would need to file a transfer to get those updated. An application for transfer can be found on the Department's public website at www.idwr.idaho.gov under water right forms. Thank you.

Ashley M. Ritter, E.I.T., G.I.T. | Associate Engineer
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From: Ball, Gary <gary_ball@fws.gov>
Sent: Tuesday, March 23, 2021 3:59 PM
To: GISInfo
Cc: Johnson, Adam G
Subject: Water Rights 11-82 and 11-83 Points of Diversion

Good afternoon -

While researching water rights in the vicinity of Bear Lake National Wildlife Refuge in connection with a potential acquisition, I believe I have discovered errors in the location of the points of diversion of these two water rights. Both rights list Paris Creek as their source, but locations of the diversions are listed and mapped in T14S R44E, Section 1, nowhere near Paris Creek and nowhere near the place of use. I would suggest that the points of diversion are really in T14S R43E, Section 1.

Thanks.

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