

Cefalo, James

From: Cefalo, James
Sent: Wednesday, September 9, 2020 2:00 PM
To: 'Dale Cottam'; Randy Budge; Janet; saxtonranch@gmail.com; jeesterholdt@gmail.com
Cc: Janet Widmer
Subject: RE: Widmer Deeds for Section 27 and Map of Revised Boundary

Mr. Cottam,

We discussed the Section 27 acres during the pre-hearing conference. The Section 27 acres are located on the west side of the Thomas Fork. The Taylor Canal delivers water to lands on the east side of the Thomas Fork. According to the canal company, it does not currently have infrastructure in place to transport water across the river. In 2011, the David Garside Living Trust (Widmer's predecessor in interest) filed Application for Transfer 77071 which changed the place of use for a portion of water right 11-147 to irrigate 198.5 acres in Section 27. Application 77071 also changed the point of diversion for the right to pump directly from the Thomas Fork because there was no way to deliver water from the Taylor Canal to lands west of the river.

During the conference, the canal company agreed to include the Widmer acres in Wyoming (half pivot) if the Widmers agreed to drop their proposal to add the Section 27 acres. Both parties agreed that the dispute over the meaning of the Widmer's shares should be raised in a different forum. If the Widmers are again asking for the Section 27 acres to be included in the proposed service area, then it seems that the parties did not reach a resolution of the contested case.

I may have misunderstood the agreement reached during the pre-hearing conference. Please correct me if I am mistaken about the outcome for the Section 27 acres. If the proposed resolution is now rejected by the Widmers, please let me know. I will schedule a status conference for the end of the month to set a hearing date and mandatory disclosure deadlines.

James Cefalo

From: Dale Cottam [mailto:dale@performance-law.com]
Sent: Wednesday, September 9, 2020 12:56 PM
To: Randy Budge <randy@racineolson.com>; Cefalo, James <James.Cefalo@idwr.idaho.gov>; Janet <janetwidmer@live.com>; saxtonranch@gmail.com; jeesterholdt@gmail.com
Cc: Janet Widmer <janetwidmer@live.com>
Subject: Widmer Deeds for Section 27 and Map of Revised Boundary

Randy and James,

While we are making changes to the map, please add the Widmer lands described in the attached deeds for Section 27. If you have any questions, please contact me or Janet Widmer. Thank you.

Best Regards,



Dale W. Cottam

Direct: 307-459-1120

Office: 307-885-4529

Email: Dale@Performance-Law.com

Website: www.performance-law.com



PERFORMANCE. NOT PROMISES.

Afton Office
80 E. 1st Ave. | Box 850
Afton, WY 83110

Cheyenne Office
6234 Yellowstone Road | Box 1557
Cheyenne, WY 82009

CONFIDENTIALITY NOTICE

This e-mail transmission, and any attachments may contain privileged or confidential information. If you are not the intended recipient, you must not read this transmission, and further any printing, forwarding, or other distribution or use of any of this information is **STRICTLY PROHIBITED**. If you have received this transmission in error, please immediately notify the sender and delete the original transmission and its attachments without reading or saving them in any manner.

From: Randy Budge <randy@racineolson.com>

Sent: Saturday, September 5, 2020 3:10 PM

To: Cefalo, James <James.Cefalo@idwr.idaho.gov>; Dale Cottam <dale@performance-law.com>; Janet <janetwidmer@live.com>; saxtonranch@gmail.com; jeesterholdt@gmail.com

Subject: RE: Map of Revised Boundary

Will do.

Thanks

Randall C. Budge

Attorney



201 E. Center Street / P.O. Box 1391

Pocatello, Idaho 83204

(208)232-6101 - Phone

(208)232-6109 - Fax

www.racinelaw.net

CONFIDENTIALITY NOTICE - This email and its attachments may contain information that is confidential, privileged, or otherwise protected from disclosure. If you believe this email may have been sent to you in error, please notify the sender immediately.

From: Cefalo, James <James.Cefalo@idwr.idaho.gov>

Sent: Friday, September 4, 2020 4:41 PM

To: Randy Budge <randy@racineolson.com>; dale@performance-law.com; Janet <janetwidmer@live.com>; saxtonranch@gmail.com; jeesterholdt@gmail.com

Subject: RE: Map of Revised Boundary

Please disregard the previous map. Mike Saxton just contacted me about one other adjustment Taylor Canal wanted to make to the map. A 40-acre parcel was added in Section 12, T27N, R120W in Wyoming. The canal runs through this parcel.

James Cefalo
Regional Manager
IDWR Eastern Region
(208) 525-7161

From: Randy Budge [<mailto:randy@racineolson.com>]

Sent: Friday, September 04, 2020 1:58 PM

To: Cefalo, James <James.Cefalo@idwr.idaho.gov>; dale@performance-law.com; Janet <janetwidmer@live.com>; saxtonranch@gmail.com; jeesterholdt@gmail.com

Cc: Randy Budge <randy@racineolson.com>

Subject: RE: Map of Revised Boundary

Thanks. I will attach the revised map to a settlement stipulation and circulate it for approvals and signatures.

Randy

Randall C. Budge
Attorney



201 E. Center Street / P.O. Box 1391
Pocatello, Idaho 83204
(208)232-6101 - Phone
(208)232-6109 - Fax

www.racinelaw.net

CONFIDENTIALITY NOTICE - This email and its attachments may contain information that is confidential, privileged, or otherwise protected from disclosure. If you believe this email may have been sent to you in error, please notify the sender immediately.

From: Cefalo, James <James.Cefalo@idwr.idaho.gov>

Sent: Friday, September 4, 2020 10:49 AM

To: dale@performance-law.com; Randy Budge <randy@racineolson.com>; Janet <janetwidmer@live.com>; saxtonranch@gmail.com; jeesterholdt@gmail.com

Subject: Map of Revised Boundary

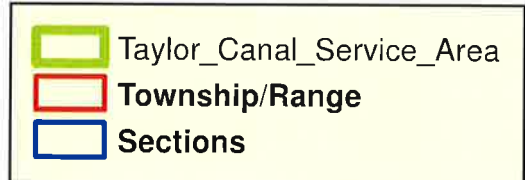
Dear Parties:

Thank you for participating in yesterday's pre-hearing conference. Attached is a revised map, adding the acres discussed during the pre-hearing conference into the proposed service area. This map can be used as an attachment to the proposed stipulation. Please let me know if there is any other information I can provide.

As we discussed at the conference, if the Widmer's protest is withdrawn, the Department will prepare a draft transfer approval and a memo summarizing the proposed changes to present to the Bear River Commission at its next meeting in November 2020. The commission will be given a chance to provide comments or concerns. If there are no concerns, the transfer application would likely be approved in December 2020.

James Cefalo

Application for Transfer 83363 (Taylor Canal Co.) Revised Proposed Digital Service Boundary



2013 Aerial Photo

