

Cefalo, James

From: Cefalo, James
Sent: Wednesday, December 2, 2020 12:51 PM
To: 'Rob Harris'
Cc: Harvey Walker
Subject: RE: Application for Transfer 84362 (Grand Teton Canal Company)

Rob,

I just spent some time further investigating the subdivision issues. I discovered that the properties associated with water rights 22-12279 and 22-13338 were subdivided prior to the issuance of the partial decrees. The partial decree for water right 22-12279 was issued in November 2008 in the name of V Rich Christensen. The partial decree for water right 22-13338 was also issued in November 2008 in the name of Teton Valley Associates LLC. 2004 and 2009 aerial photos shows that the properties were already subdivided with buildings constructed before the partial decrees were issued by the court. Given the recent ownership decisions from Judge Wildman and the Supreme Court, I am willing to recognize V Rich Christensen's and Teton Valley's authority to file the current transfer application.

Water right 22-13610 remains a problem. It was decreed in June 2009. The aerial photo for 2009 shows that the property was still being farmed as a contiguous parcel at that time. It is unclear when the property associated with 22-13610 was subdivided. Without additional information, we can't move forward with 22-13610 in the application.

I apologize for not reviewing the aerial photos earlier. We will only remove water right 22-13610 from the transfer application and will move forward with approval for the other rights.

James

From: Rob Harris [mailto:rharris@holdenlegal.com]
Sent: Wednesday, December 2, 2020 11:52 AM
To: Cefalo, James <James.Cefalo@idwr.idaho.gov>
Cc: Harvey Walker <why@atcnet.net>
Subject: RE: Application for Transfer 84362 (Grand Teton Canal Company)

James:

I am responding to your email below. GTCC has looked into the ownership issue on Water Right Nos. 22-12279, 22-13610, and 22-13338. GTCC has decided that the ownership issues are not an issue GTCC created, and it is anticipated that it will take too long to resolve these issues before the next irrigation season. It is my understanding that the Price-Fairbanks and Center Canal headings are no longer functioning after the watermaster disabled them this Fall (primarily because of lack of measuring devices and controlling works). For this reason, we request that Water Right Nos. 22-12279, 22-13610, and 22-13338 be removed from Transfer No. 84362, and that the proposed change to the remaining water rights subject to the transfer be approved.

Thanks for your assistance on this.



Robert L. Harris
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From: Cefalo, James <James.Cefalo@idwr.idaho.gov>
Sent: Friday, October 23, 2020 11:56 AM
To: Rob Harris <rharris@holdenlegal.com>
Subject: Application for Transfer 84362 (Grand Teton Canal Company)

Rob,

Application for Transfer 84362 was recently advertised and was not protested. I have started to review the application and have identified a few issues that need to be addressed. As we discussed by phone a couple of weeks ago, the state of Wyoming may require the various right holders to file for a Wyoming water right because the proposed point of diversion is in Wyoming. Please contact the Wyoming State Engineer (Cokeville Office) for help on filing applications in Wyoming.

Under the 1941 Roxana Decree, the Grand Teton Canal diversion is counted against Idaho's allocation under the decree, so moving water rights from Idaho into the Grand Teton Canal will not affect the allocation of water between Idaho and Wyoming under the Roxana Decree.

Application 84362 included signatures from the owners of record for the water rights. I've discovered, however, that some of the existing places of use have been subdivided. The details for the water rights with ownership questions are as follows:

The SRBA partial decree for water right 22-12279 was issued in November 2008. The owner of record was V Rich Christensen. Parcel records for Teton County show that the existing place of use has been subdivided and the place of use is now owned by various lot owners. Please provide evidence that the place of use was subdivided and the lots were all sold prior to decree, that the water right was withheld from the sale of the individual lots, or that the current property owners consent to the changes proposed in the application.

The SRBA partial decree for water right 22-13610 was issued in June 2009. The owners of record were Price Brothers, James Price and Virginia Price. Parcel records for Teton County show that the City of Driggs now owns a portion of the place of use. Please provide evidence that the City of Driggs portion was subdivided and sold prior to decree, that the right was withheld from the sale to the City, or that the City consents to the changes proposed in the application.

The SRBA partial decree for water right 22-13338 was issued in November 2008. The owner of record at the time was Teton Valley Associates LLC. Teton Valley Associates is still the owner of record for the right. Parcel records for Teton County show that the existing place of use has been subdivided and is now owned by various lot owners. Please provide evidence that the place of use was subdivided and sold prior to decree, that the water right was withheld from

the sale of the individual lots, or that the current property owners consent to the changes proposed in the application.

If you find that the ownership issues are too difficult to solve or cannot be solved quickly, it would be possible to remove water rights 22-12279, 22-13610 and 22-13338 from the transfer application. The rights could be moved into the Grand Teton Canal in a future application for transfer, after the ownership questions are sorted out.

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

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The SRBA partial decree for water right 22-13338 was issued in November 2008. The owner of record at the time was Teton Valley Associates LLC. Teton Valley Associates is still the owner of record for the right. Parcel records for Teton County show that the existing place of use has been subdivided and is now owned by various lot owners. Please provide evidence that the place of use was subdivided and sold prior to decree, that the water right was withheld from the sale of the individual lots, or that the current property owners consent to the changes proposed in the application.

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