

Cefalo, James

From: Cefalo, James
Sent: Wednesday, May 13, 2020 11:37 AM
To: 'Norman M. Semanko'; Charles L. Honsinger; 'ranchinriggs@rtci.net'; 'fredric_price@blm.gov'; McCrea, Sandra L
Cc: Miller, Nick
Subject: Transfer 81800 (Casa Del Norte)

Dear Parties:

I just spent some time reviewing Fred Price's email from yesterday evening. Mr. Price identified a number of concerns with apparent errors in Transfer Approval 81800. His concerns cover three areas:

1. Section 17 Acres. Many of the water rights in the approval include erroneous legal descriptions for irrigated acres in Section 17, T04S, R09E. The irrigated acres in Section 17 should be located in the NWNE, NENW and NWNW of Section 17. The approval document described the irrigated acres in the NWNE, SENE and NENW of Section 17. This error originated in the December 2018 Amended Application. It appears the proposed irrigated acres were put in the wrong cells in the POU legal description table. Two of the entries for Section 17 were off by one cell. The numbers "32" and "22" should have been shifted one cell to the right.
2. Missing Condition. Mr. Price asserts that two conditions about federal lands and easements were mistakenly excluded from water right 61-301B. These conditions were intentionally excluded from water right 61-301B. Evidence in the record confirms that water from the points of diversion for water right 61-301B can be conveyed to the irrigated aces in Section 29, T04S, R09E through a pipeline that does not pass through BLM ground.
3. Error in Township. Many of the water rights in the approval include an error in the Township designation for the irrigated acres in Sections 8 and 17. The proposed irrigated acres are located in Township 04S. The approval listed the acres in Township 03S. This error occurred during data entry of the application by the Department. The December 2018 Amended Application correctly lists the acres in Township 04S. I did not notice the data entry error during my review of the transfer.

Pursuant to Rule 760 of the Department's Rules of Procedure, a presiding officer can modify any order within 14 days of its issuance. I will therefore issue an amended order addressing the concerns described above. I hope to have the amended order completed by tomorrow, but will definitely issue the amended order by Friday (14 days after the original preliminary order).

When an amended order is issued, the deadlines for filing petitions or appeals are reset. I don't know whether any of you were planning on filing petitions for reconsideration or exceptions. If so, you may want to hold off on those filings until after the amended order/approval is issued.

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

Cefalo, James

From: Price, Fredric W <fwprice@blm.gov>
Sent: Tuesday, May 12, 2020 5:40 PM
To: Cefalo, James
Cc: Miller, Nick; Norman M. Semanko; Charles L. Honsinger; ranchinriggs@rtci.net; McCrea, Sandra L
Subject: Re: [EXTERNAL] Application for Transfer 81800 (Casa Del Norte LP)
Attachments: BLM-Review_Trans-81800-Approved-05-01-2020.pdf

James,

RE: 05-01-2020, Preliminary Order Approving Transfer
Transfer 81800 (61-00301A et al), Casa del Norte LP

I think there are some typos in the transfer? See attached presentation.

(1) 61-00301B, 61-02111, 61-11854, 61-11885:

POU on BLM: T04S, R09E, S17, SENE

I wonder if this POU should be described as T04S, R09E, S17, NWNW (private) to cover the pivot?

(2) 61-00301B:

Conditions missing:

"Prior to diversion and use of water on or across federal land under this approval, the right holder shall obtain authorization necessary to access the point of diversion or place of use or to convey water across federal land."

"This right does not grant any right of way or easement across the land of another."

(3) 61-00301A, 61-10363:

POU on BLM: T04S, R09E, S17, SENE

I wonder if this POU should be described as T04S, R09E, S17, NWNW (private) to cover the pivot?

(4) 61-00332, 61-00333, 61-00334, 61-00335, 61-00336, 61-00337, 61-00338, 61-00339, 61-00340, 61-00343, 61-00364, 61-02008:

POUs in T03S, R09E, S08 & S17 should probably be described in T04S; however, if that is the case, then S17, SENE would be on BLM where perhaps it should be S17, NWNW.

Fredric W. Price
Water Rights Specialist
BLM, Idaho State Office
1387 S. Vinnell Way
Boise, Idaho 83709-1657
(208) 373-3831
fwprice@blm.gov

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

Sent: Friday, May 1, 2020 2:56 PM

To: Norman M. Semanko <NSemanko@parsonsbehle.com>; Charles L. Honsinger <honsingerlaw@gmail.com>; ranchinriggs@rtci.net <ranchinriggs@rtci.net>

Cc: Miller, Nick <Nick.Miller@idwr.idaho.gov>; Price, Fredric W <fwprice@blm.gov>

Subject: [EXTERNAL] Application for Transfer 81800 (Casa Del Norte LP)

Attached is a Preliminary Order for Application for Transfer 81800 and the associated Transfer Approval. I apologize for the delay in completing this order. The last two months brought some unexpected challenges. Hard copies of these documents were mailed today.

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

WATER RIGHT NO. 61-301B

As Modified by Transfer No 81800

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04S	09E	8									16.0	10.0	37.0	40.0		1.0	12.0		116.0
04S	09E	17		4.0		32.0	22.0												58.0
04S	09E	29	33			39									27	36	26		161

POU Total Acres: 335.0

T04S, R09E, S17, SENE (BLM). Should this be NWNW?

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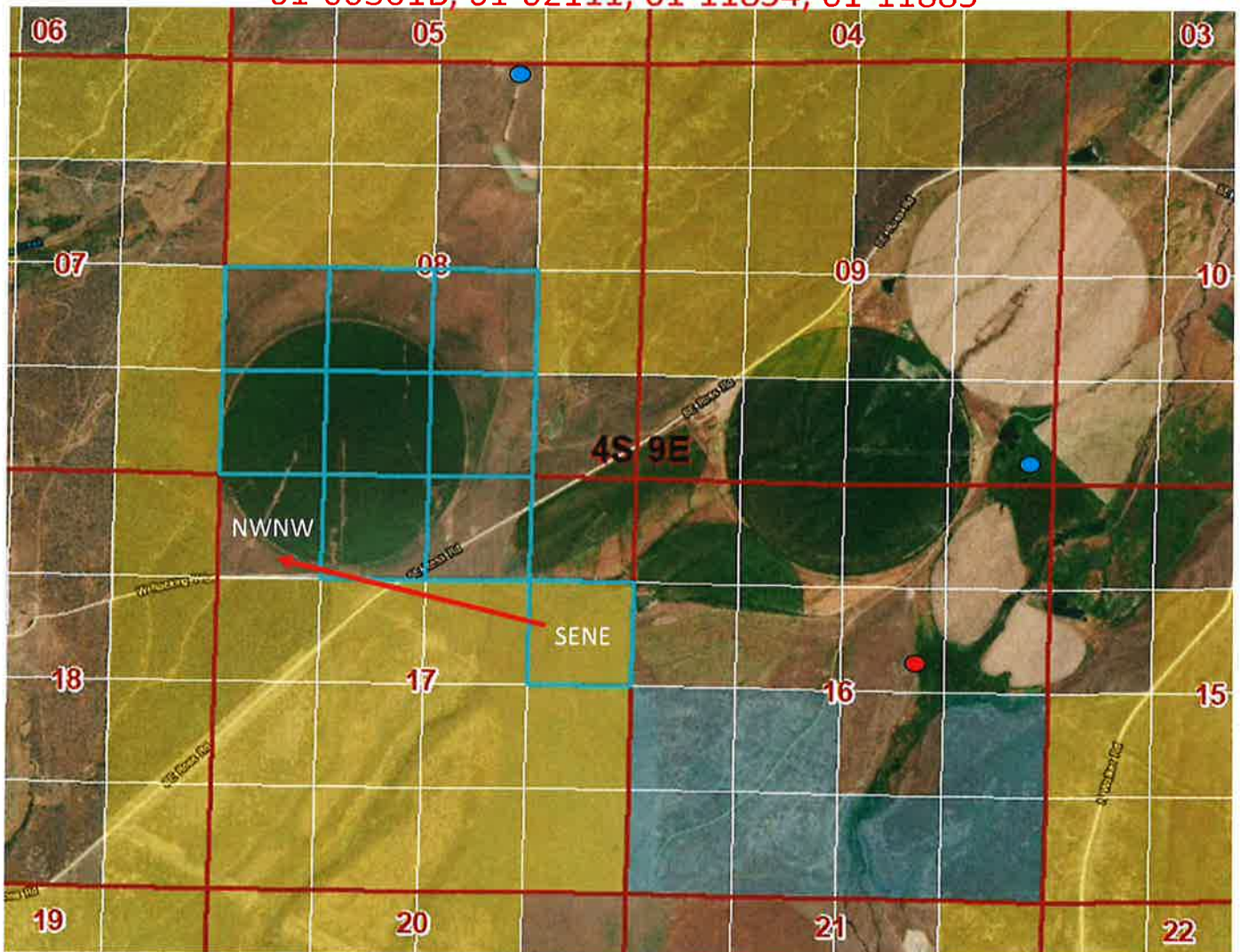
WATER RIGHT NO. 61-11854

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04S	09E	8									16.0	10.0	37.0	40.0		1.0	12.0		116.0
04S	09E	17		4.0		32.0	22.0												58.0

Right Acre Limit: 161.0

POU Total Acres: 174.0

61-00301B, 61-02111, 61-11854, 61-11885



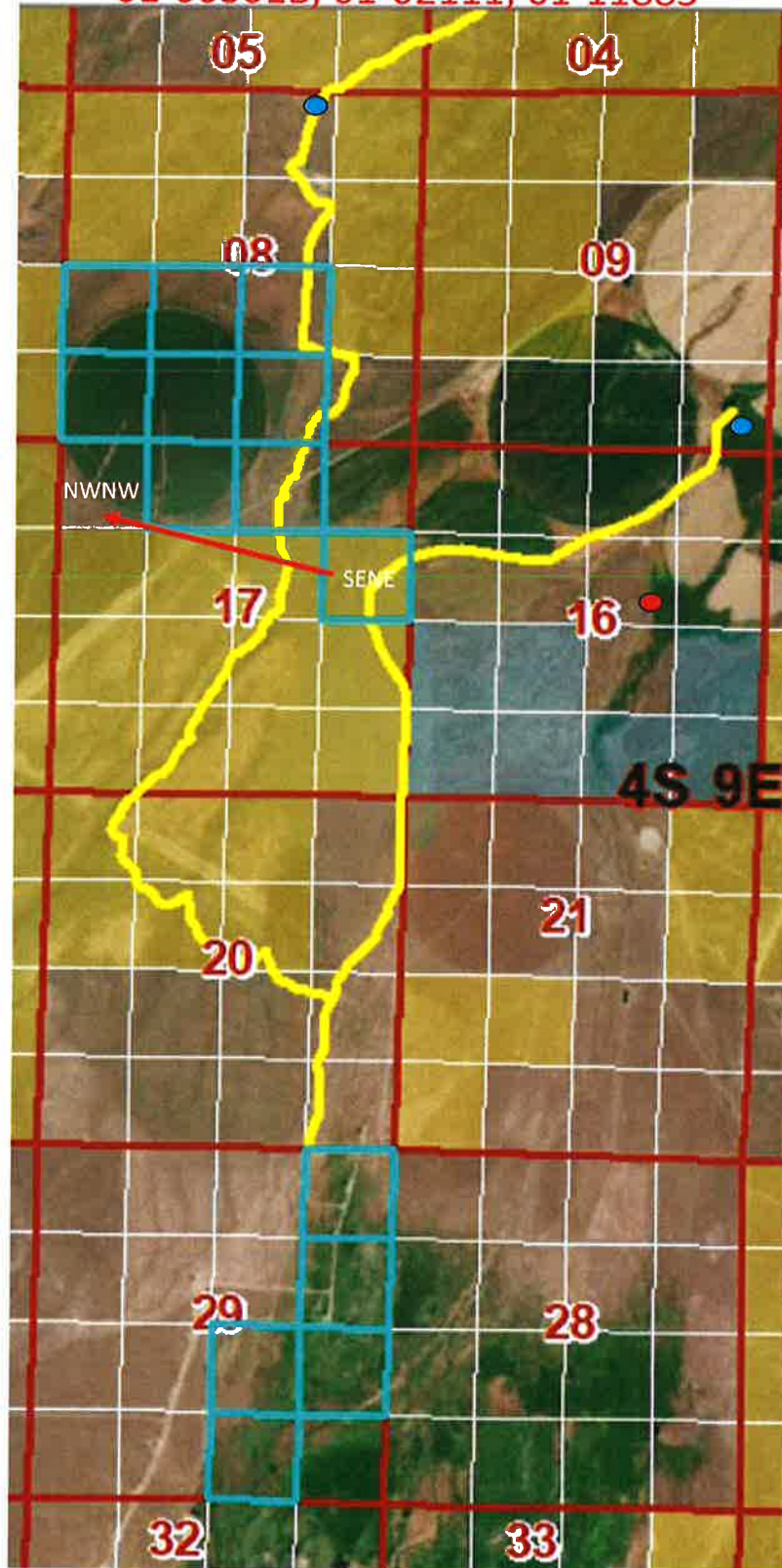
05-01-2020 IDWR Preliminary Order Approving Transfer: Trans 81800

61-00301B is missing conditions from settlement with BLM:

"Prior to diversion and use of water on or across federal land under this approval, the right holder shall obtain authorization necessary to access the point of diversion or place of use or to convey water across federal land."

61-00301B, 61-02111, 61-11885

"This right does not grant any right of way or easement across the land of another."



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WATER RIGHT NO. 61-301A

As Modified by Transfer No. 81800

PLACE OF USE: IRRIGATION

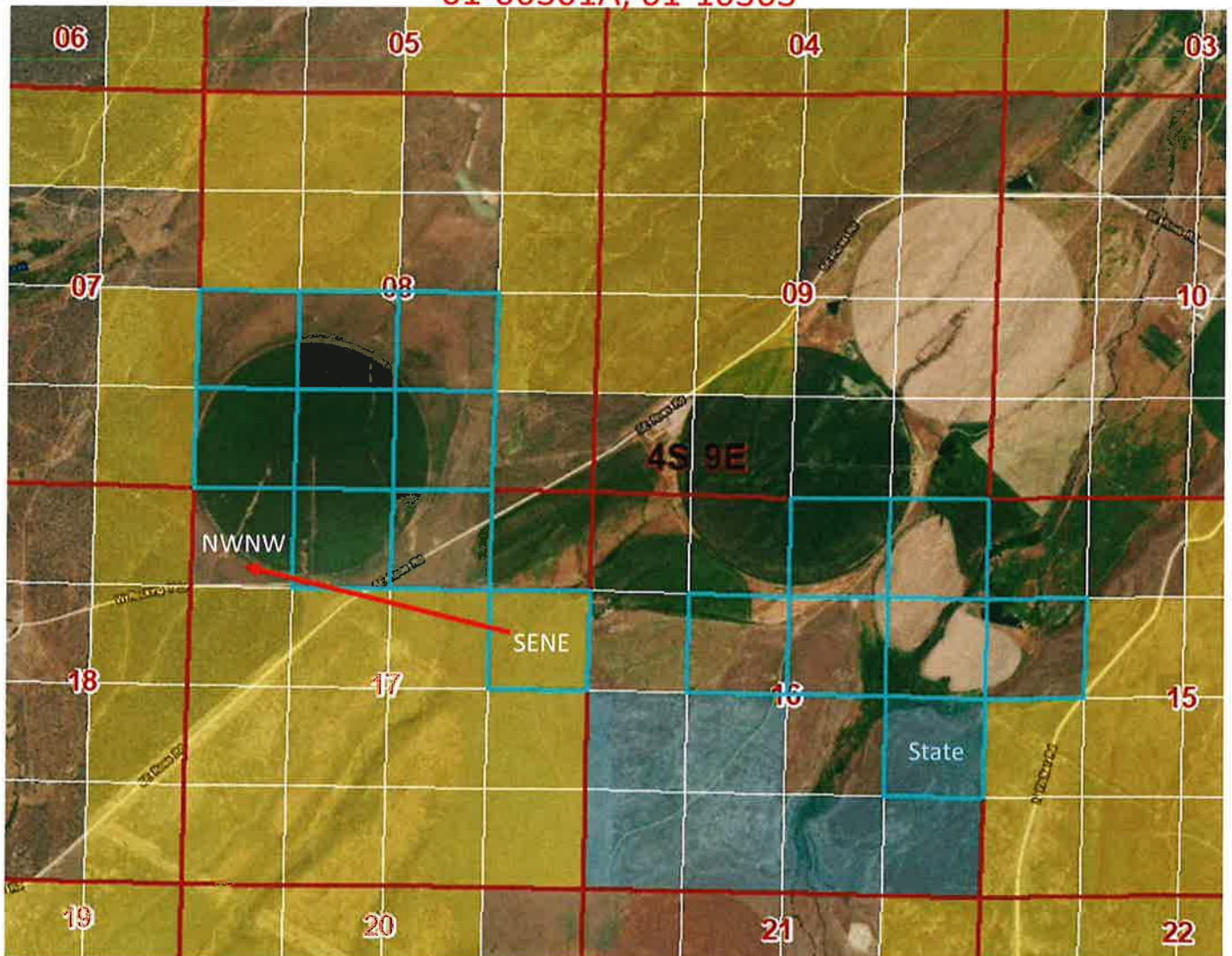
Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04S	09E	8									16.0	10.0	37.0	40.0		1.0	12.0		116.0
04S	09E	15							7.1										7.1
04S	09E	16	20.0	11.9	9.8	28.0	1.3			5.5					2.0				78.5
04S	09E	17		4.0		32.0	22.0												58.0

Right Acre Limit: 246.6

POU Total Acres: 259.6

T04S, R09E, S17, SENE (BLM). Should this be NWNW?

61-00301A, 61-10363



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WATER RIGHT NO. 61-338

As Modified by Transfer No. 81800

PLACE OF USE: IRRIGATION

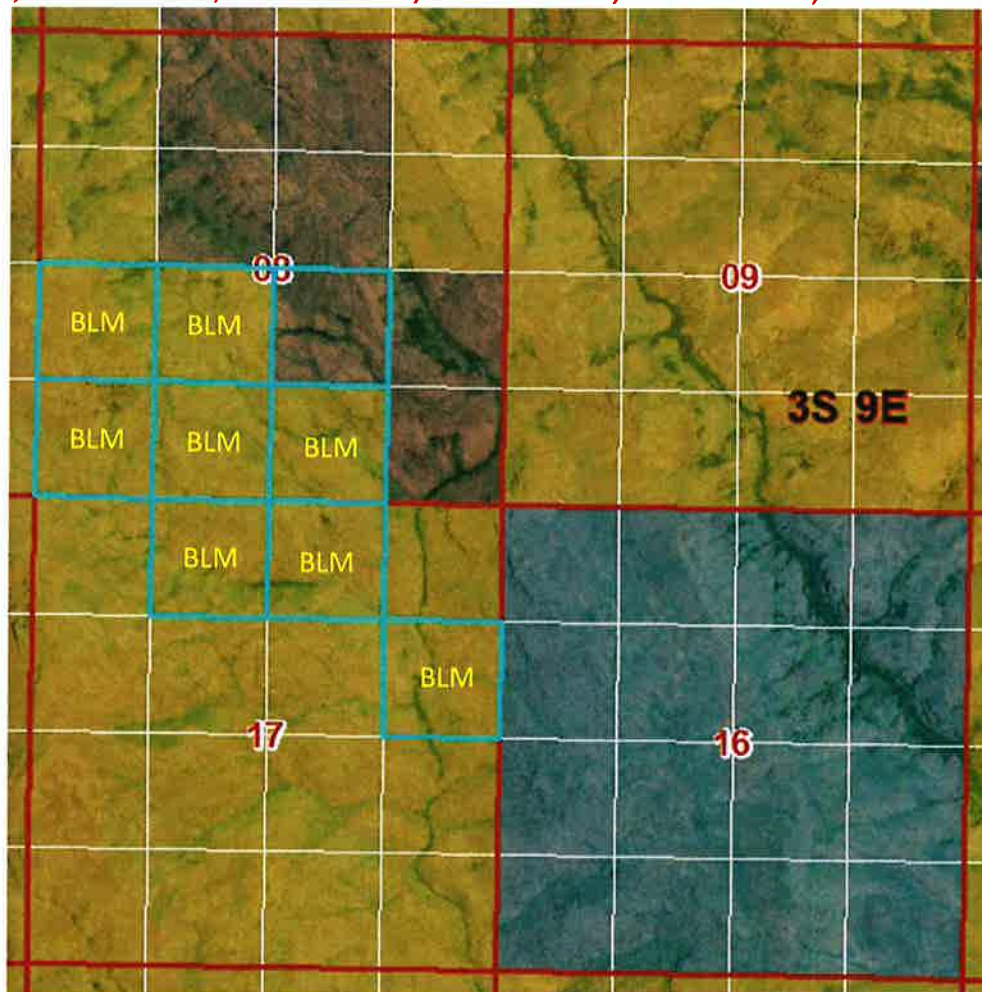
POUs on BLM: T03S, R09E, S08, NESW, NWSW, SWSW, SESW, SWSE;
T03S, R09E, S17, NWNE, SENE, NENW

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03S	09E	8									16.0	10.0	37.0	40.0		1.0	12.0		116.0
03S	09E	17		4.0		32.0	22.0												58.0
03S	09E	35											10.8	4.1					14.9
													L 4	L 3					
04S	09E	2						16.3	22.0				20.0						58.3
								L 4											
04S	09E	3	4.1		3.5	25.6				5.0				21.2	32.2	28.9	22.8	13.2	154.5
			L 1																
04S	09E	9													2.2			20.0	22.2
04S	09E	10	17.0	20.1	25.5		15.0		11.0	17.7	26.5	37.0	34.6	38.2		28.0	11.0		281.6
04S	09E	15					16.0	32.7	15.2										63.9
04S	09E	16	32.4	11.9	9.8	28.0	1.3			5.5					2.0				90.9

POU Total Acres: 860.3

T03S, R09E, S08 & S17 POU's appear to be a typo and should be listed in T04S.

61-00332, 61-00333, 61-00334, 61-00335, 61-00336, 61-00337,
61-00338, 61-00339, 61-00340, 61-00343, 61-00364, 61-02008

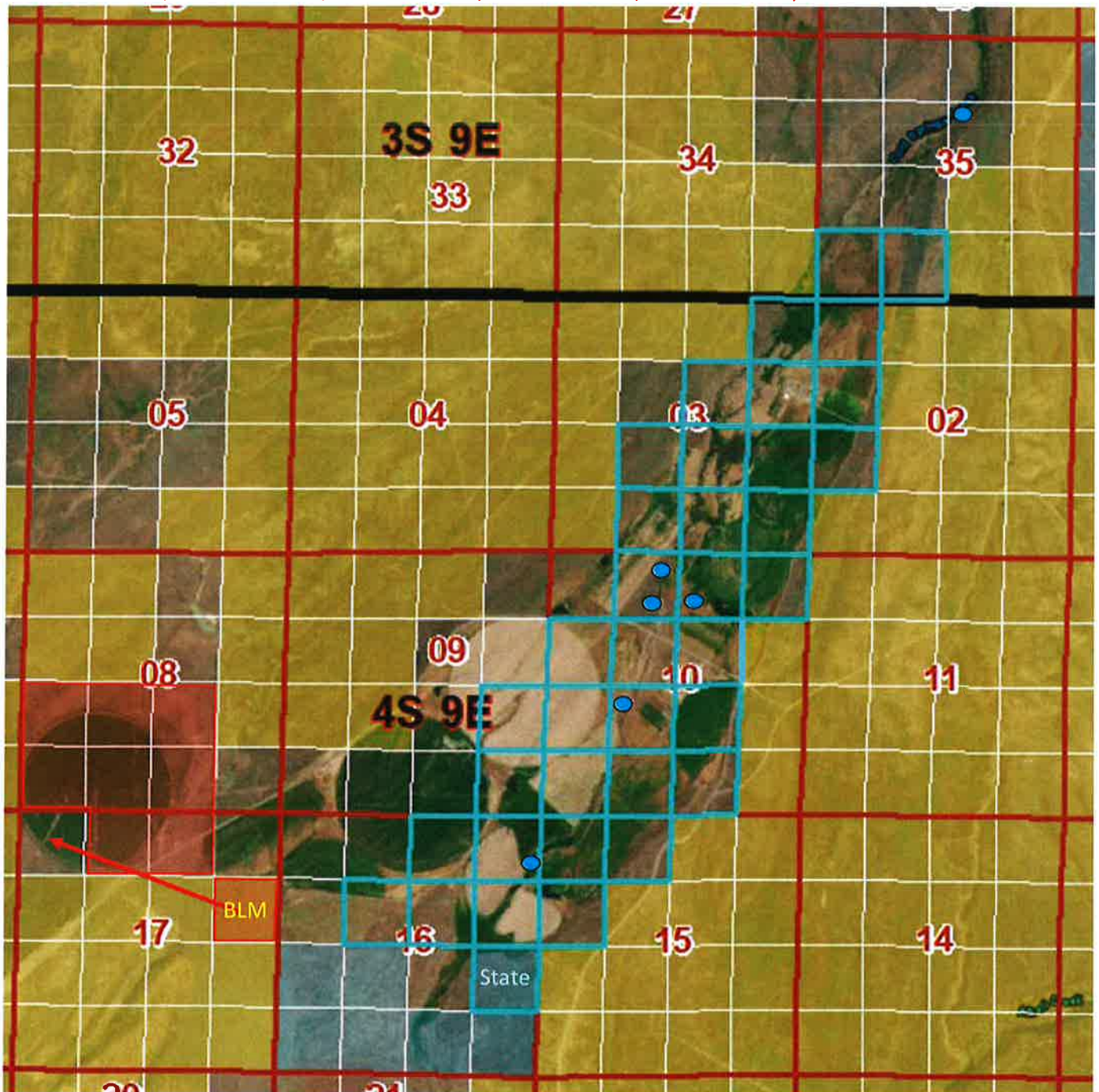


05-01-2020 IDWR Preliminary Order Approving Transfer: Trans 81800

POUs on BLM: T03S, R09E, S08, NESW, NWSW, SWSW, SESW, SWSE;
T03S, R09E, S17, NWNW, SENE, NENW

These POUs should probably be described in T04S as shown below;
however, if this is the case then S17, SENE would be on BLM (where
perhaps it should be S17, NWNW).

61-00332, 61-00333, 61-00334, 61-00335, 61-00336, 61-00337,
61-00338, 61-00339, 61-00340, 61-00343, 61-00364, 61-02008



05-01-2020 IDWR Preliminary Order Approving Transfer: Trans 81800

T03S, R09E, S08 & S17 POUs appears to be a typo and should be listed in T04S; however, if this is the case then S17, SENE would be on BLM (where perhaps it should be S17, NWNW..

61-00332, 61-00333, 61-00334, 61-00335, 61-00336, 61-00337,
61-00338, 61-00339, 61-00340, 61-00343, 61-00364, 61-02008

