

## Cefalo, James

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**From:** Tessa Sparrow <tps@racinelaw.net>  
**Sent:** Thursday, July 05, 2018 9:50 AM  
**To:** Cefalo, James  
**Cc:** TJ Budge  
**Subject:** RE: Application for Transfer 82383  
**Attachments:** 20180621 Widmer and Marx Letters.pdf

Dear Mr. Cefalo,

Attached are letters from Don Widmer and Jeffrey Marx confirming that they do not claim any interest in water right nos. 11-119 and 11-120. Should you have any questions, please contact TJ Budge.

Thank you,

**Tessa Sparrow**  
Legal Assistant



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

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**From:** Cefalo, James <[James.Cefalo@idwr.idaho.gov](mailto:James.Cefalo@idwr.idaho.gov)>  
**Sent:** Thursday, June 21, 2018 11:45 AM  
**To:** TJ Budge <[tjb@racinelaw.net](mailto:tjb@racinelaw.net)>  
**Subject:** RE: Application for Transfer 82383

The Marx property is the one located 400 feet east of the Don Widmer property. I can't see any fences around the Marx property. I'm not really sure how accurate the county taxlot layer is. In any event, the Marx property is located in the NWNE of Section 34, so we would still him to disclaim any interest in the water rights. If the document from Marx also states that he does not object to the transfer, then the proposed place of use can remain in its current form, even if it happens to sit on the Marx property.

**From:** TJ Budge [<mailto:tjb@racinelaw.net>]  
**Sent:** Thursday, June 21, 2018 11:34 AM  
**To:** Cefalo, James <[James.Cefalo@idwr.idaho.gov](mailto:James.Cefalo@idwr.idaho.gov)>  
**Subject:** RE: Application for Transfer 82383

I will follow up with Laura on the Don L Widmer parcel.

As for the Jeff Marx property, is that the property to the east? I believe the shapefile follows the boundary fence; perhaps the boundary fence does not follow the section lines perfect, or the PLSS GIS shapes are off?

**T.J. Budge**

RACINE OLSON

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**From:** Cefalo, James <[James.Cefalo@idwr.idaho.gov](mailto:James.Cefalo@idwr.idaho.gov)>

**Sent:** Thursday, June 21, 2018 11:19 AM

**To:** TJ Budge <[tjb@racinelaw.net](mailto:tjb@racinelaw.net)>

**Subject:** Application for Transfer 82383

T.J.,

The Department published notice of Application 82383 on June 6 and 13. We have not yet received any protests. Before I can approve Transfer 82383, there are two lingering ownership issues that need to be addressed. Assuming the decree should have described the place of use in Section 34 rather than Section 3, the place of use for water rights 11-119 and 11-120 includes the entirety of the NWNE of Section 34. Laura Widmer owns most of this QQ. However, there are two one-acre parcels in the north part of the QQ not owned by Laura.

According to Bear Lake County taxlot data, the one-acre parcel in the NW corner of the NWNE is owned by Don L Widmer (39 Thomas Fork Lane, Geneva, ID). The one-acre parcel located to the east is owned by Jeffrey A Marx (149 Thomas Fork Lane, Geneva, ID). Both of these property owners may have an ownership interest in the water rights. As I discussed the proposed transfer with Laura many months ago, I identified the two parcels as a potential ownership issue. She was confident that neither owner would assert an ownership interest in the rights or object to the proposed transfers. I need a letter from these property owners stating that they are not opposed to the ownership change or the transfer application. In the alternative, I could sent notice of the transfer directly to the parcel owners providing them an opportunity to protest. I figured it may be easier for Laura to have a conversation with her neighbors.

The only other ownership issue I can see is that the proposed place of use extends onto the Jeffrey Marx property. This was likely an inadvertent error made while preparing the shape for the proposed place of use. There are plenty of other places where the ½ acre can be moved within the NWNE of Section 34, thus avoiding an amendment of the application. Let me know if you would like me to make an adjustment to the proposed place of use shape.

James Cefalo

Water Resources Program Manager

IDWR Eastern Region

(208) 525-7161

To Whom It may Concern:

I Jeffrey A. Marx  
Concent to the transfer  
of the Property Laura  
Widmer owns and  
I do not claim any  
interest in Water  
rights 11-119 and  
11-120

Jeffrey A. Marx

June 21, 2018

To whom it may concern

I, Don Williams, consent

to the transfer of the

property hereinafter

owned and do not claim

any interest in state rights

11-119 & 11-120.

Don Williams  
Don & Wilma  
6-21-2018

## Cefalo, James

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**From:** Cefalo, James  
**Sent:** Thursday, June 21, 2018 11:19 AM  
**To:** 'TJ Budge'  
**Subject:** Application for Transfer 82383  
**Attachments:** Ownership Issues - T82383.pdf

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James Cefalo  
Water Resources Program Manager  
IDWR Eastern Region  
(208) 525-7161

# Application for Transfer 82383 Water Rights 11-119 and 11-120



2015 Aerial Photo

