

MEMORANDUM

Date: June 21, 2018
To: Transfer 81730
From: James Cefalo
Re: Review & Evaluation of Sufficiency of Information

This transfer proposes to change the point of diversion and place of use for a 90-acre portion of water rights 11-119 and 11-120.

Water rights 11-119 and 11-120 were included in the 1902 Thomas Fork Decree. The decreed place of use is in error. The decree describes the place of use in the NWNE, SWNE, NESW and NWSE of Section 3, T12S, R46E. The decreed place of use is located on a dry hillside and could not have been irrigated with water from the Thomas Fork. Applicants provided deeds showing that Samuel Widmer owned the NWNE, SWNE, NESW and NWSE of Section 34, T12S, R46E. These QQs are not covered by any other decreed water rights even though they are located right next to the Thomas Fork. The correct place of use for water rights 11-119 and 11-120 is in Section 34.

Authority to File: Applicant, Widmer Ranch LLC, owns property within the correct place of use for water right 11-119 and 11-120. The other owner in that area is Laura Widmer. In April/May 2018, Widmer Ranch and Larua Widmer executed a Water Rights Allocation Agreement, settling a dispute about how water rights 11-119 and 11-120 should be divided between the parties. Laura Widmer filed Application 82383 to update her portion of the water rights.

Laura Widmer and Widmer Ranch provided deeds tracing ownership of the property back to Samuel Widmer. Water right ownership will be updated within the transfer process.

Water Right Validity: Water rights were decreed in 1902. There is no beneficial use occurring at the decreed place of use. However, aerial photos for the corrected place of use shows green and growing vegetation in most years. In addition, Widmer Ranch diverted all of water rights 11-119 and 11-120 for irrigation in the 2017 irrigation season.

Injury to Other Water Rights: No issues identified. Original transfer application proposed diverting water rights into the Taylor Canal. Application was advertised and protested by a number of water users in the Taylor Canal. Widmer Ranch amended the application to change the proposed point of diversion to a pump station on Thomas Fork. Original protests were withdrawn. Department published notice of the amended application. No new protests were filed. I have had multiple discussions with the watermaster about the proposed transfer. He does not object to the approval.

Enlargement of Use: No issues identified.

Local Public interest: No issues identified.

Beneficial Use/Conservation of Water Resources: No issues identified.

Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.