

MEMORANDUM

Date: March 9, 2018
To: Transfer 81780
From: James Cefalo
Re: Review & Evaluation of Sufficiency of Information

This application proposes to update water right 11-381 to reflect the current uses under the water right. Points of diversion will be added and changed. The irrigation place of use will be significantly reduced and better defined. The nature of use will be changed for a portion of the right to cover irrigation storage reservoirs which have been added to the irrigation system over time. The reservoirs are filled and emptied up to three times per year.

Authority to File:

The owners of record for water right 11-381 are August and Catherine Largilliere. The transfer applicant, William and Stacey Rasmussen, provided deeds tracing ownership of their property back to the Largillieres. The 1920 Bear River Decree described a very large place of use for water right 11-381. The decree described 1,280 acres spread over four sections.

Rasmussens do not own all of the irrigated acres described in the 1920 Bear River Decree. However, water has been used only on the Rasmussen property for many years. IDWR sent a certified letter to all of the property owners within the original right place of use, notifying them of the transfer and providing an opportunity to assert an ownership interest in the right. None of the surrounding property owners responded to the letter. In addition to the letter, William Rasmussen contacted the neighboring property owners about the transfer. The two largest property owners, Hubbard and Gunnell, told Rasmussen they did not object to the transfer.

At the time the application was filed, Rasmussens owned all but 5 acres of the proposed place of use. The 5-acre parcel, located in the SESW, Sec 25, T09S, R41E, was owned by Linda Johnson from Kaysville, Utah. There are no buildings or any other development on the 5-acre parcel. On January 29, 2018, Linda Johnson conveyed the 5-acre parcel to the Rasmussens. Rasmussens will be the owners of all of water right 11-381, which will include the 5-acre parcel within the proposed place of use.

Water Right Validity:

Water right 11-381 was included in the 1920 Bear River Decree. Aerial photos from previous years show at least 484 acres of irrigation and confirm that the reservoirs have been in existence for many years.

Injury to Other Water Rights:

The only other water rights associated with Winchell Creek or Largilliere Creek are statutory claims appurtenant to the Rasmussen property (11-4072, 11-4073, 11-4074, 11-4075). After the transfer approval, Rasmussens plan on abandoning these statutory claims.

Enlargement of Use:

There is no enlargement of use. The irrigation component of the right is being reduced by nearly 800 acres. The beneficial use for these acres is being changed to irrigation storage. Over time, as small reservoirs were constructed, less water was used for direct irrigation. Instead, the water was stored in reservoirs for use later in the summer.

There are two statutory claims for domestic, stockwater and irrigation use overlapping the proposed place of use. Claim 11-4302 authorizes the diversion of 0.20 cfs for stockwater and domestic use and the irrigation of 4.0 acres. Claim 11-4303 authorizes the diversion of 0.10 cfs for domestic and stockwater use and the irrigation of 1 acre. Each claim describes domestic use at four homes. Billy Rasmussen owns most of the places of use for these two claims. The only other property within the places of use is a 5-acre parcel previously owned by Linda Johnson, which is vacant (no homes present). Rasmussen asserts that at least one of the claims is valid. Water is diverted from a spring for domestic use at two homes, but water is now only used for in-house culinary use. The spring does not supply enough water for irrigation use. I will not add a combined limit between water right 11-381 and statutory claims 11-4302 or 11-4303.

Local Public interest / Beneficial Use/Conservation of Water Resources:

No apparent issues.

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.

DATE OF
PRIORITY

AMOUNT IN
SECOND FEET

POINT OF DIVERSION AND
PLACE OF USE

land in the East half of the Southeast quarter of Section 29, the Northeast quarter of the Northeast quarter, the South half of the Northeast quarter, the North half of the Southeast quarter, Section 32, the Northwest quarter of the Northwest quarter, the South half of the Northwest quarter, Section 33, and that part of the North half of the Southeast quarter, Section 29, lying and being South of the Bear River, all in Township 9 South, Range 42 East, B.M.

WINCHELL CREEK

77. *August Largilliere and Catherine Largilliere:*
1887—June 1

20 c.f.s.

To be diverted from said Winchell Creek or Largilliere Creek at different points where the said streams cross the lands hereinbelow described for the irrigation of 1,280 acres of land in the West half of the Northwest quarter and South half of the Southwest quarter, Section 24, the Southeast quarter of the Southeast quarter, the East half of the Southwest quarter and the Southwest quarter of the Southwest quarter, Section 23, and the West half of the Northwest quarter, the Southwest quarter of the Southeast quarter, the Northeast quarter of the Northwest quarter, Section 25, the East half, the Northeast quarter of the Southwest quarter, the East half of the Northwest quarter and the Northwest quarter of the Northwest quarter, Section 26, all in Township 9 South, Range 41 East, B.M.

LITTLE SPRING CREEK

1889—June 1. *Call Ditch*, diverts from said Little Spring Creek in Lot 6 of Block 30, in the Village of Soda Springs. The following parties hereinafter named are entitled to divert and use the waters of said creek through the said ditch computed at the rate of 0.03 of 1 sec. ft. for each full lot and proportionately for each part of a lot owned and irrigated by said persons, respectively as follows:

78. <i>O. H. Brown</i>	South half Lot 8, Block 21	0.625 acres
79. <i>Ed. and Wilbur Beus</i>	Lot 1, Block 22	1.25 acres