

MEMO

TO: Water Right File 11-73
FROM: James Cefalo JRC
DATE: July 13, 2015
RE: Evaluation of Irrigable Acres

Water right 11-73 was included in the 1932 Paris Creek Decree (*Pioneer Irrigation & Manufacturing Co. v. Southfield Ditch and Canal Co. et al.*). The elements of the water right were described as follows:

Owner: R.W. Caldwell

Priority Date: May 1, 1864

Point of Diversion: SWNE of Section 9, T14S, R43E (Paris Creek)

Diversion Rate: 0.75 cfs

Season of Use: 5/1 – 9/15

Place of Use: "Fifteen acres in the following tract: Commencing at the SE corner of the SW1/4 NW1/4 of Sec. 10, Twp. 14 S., R. 43 E., B.M., and running thence West 110 rods; thence N 80 rods, thence E 110 rods; thence S 80 rods; to the place of beginning; Also commencing at the SW corner of the SE1/4 NE1/4 of Sec. 9 Twp. 14 S., R. 43 E., B.M., and running thence E 50 rods; thence N 80 rods; thence W 50 rods; thence S 80 rods to the place of beginning, containing in all 80 acres, according to the Government Survey thereof."

The "tract" set forth in the place of use description includes all of the SENE of Section 9 and the SWNW of Section 10, T14S, R43E (80 acres). The plain language of the decree appears to limit water right 11-73 to 15 irrigated acres within the 80-acre parcel owned by R.W. Caldwell.

In February 2014, Scott Nelson filed Application for Transfer 79125 to change the point of diversion and place of use for water right 11-73. Mr. Nelson asserted that water right 11-73 authorizes 80 acres of irrigation. During our review of the application, IDWR determined that Mr. Nelson had not adequately demonstrated ownership of water right 11-73. IDWR has suspended processing Application for Transfer 79125 for six months to allow Mr. Nelson to resolve the ownership issues.

On July 6, 2015, three of the property owners of the 80-acre "tract" described in the decree filed notices to update the ownership records for water right 11-73. Prior to splitting the water right and updating ownership records, we must determine whether water right 11-73 authorizes 15 acres of irrigation or 80 acres. This is accomplished by identifying the ground that could have been irrigated at the time of the decree (1932).

On July 10, 2015, I conducted a field exam for water right 11-73. During the exam, I walked the entire property and evaluated the topography of the area. The Caldwell property is located within Paris Canyon with very steep slopes on both sides of the creek. There is a small meadow area (of approximately 15 acres) right by the creek that could have been cultivated and irrigated in 1932. The remaining acres in the 80 acre tract could not have been cultivated or irrigated in 1932 and likely could not even be irrigated today.

There was no evidence of ongoing irrigation on the property. I observed very slight indentations in the meadow ground, which could be remnants of an old ditch system. However, the indentations were not consistent and could not be traced back to a diversion from Paris Creek. I did not search for the original point of diversion from Paris Creek.

The place of use for water right 11-73 has been updated to reflect the 15 irrigable acres found during the field exam. A map of the updated place of use is attached to this memo. The ownership changes proposed by the current property owners of the 80-acre tract will be completed based on the updated place of use.



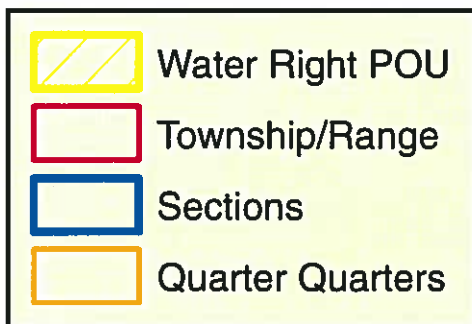




Water Right 11-73



2013 Aerial Photo



0 500 1,000 Feet

