

Transfer # 3688  
13-681B 1.0 cfs 55 acres

11S40E Sec 15 SWNW(21) NWSW(34)

## Cefalo, James

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**From:** Conder, Claudia [Claudia.Conder@PacifiCorp.com]  
**Sent:** Tuesday, July 05, 2011 10:08 AM  
**To:** Cefalo, James  
**Cc:** Carly Burton  
**Subject:** RE: Protested Transfer Application No. 74659

**Categories:** ASAP

James- I've spent quite a bit of time reviewing all of this info and trying to make sense of it. There are still some questions and troublesome issues that I can see.

First and foremost- 13-681 decreed water right. This was split into 13-681A and 13-681B as you know. The decreed right, award #309 in the Dietrich Decree, is for 3 cfs to irrigate 150 acres if I read it correctly. 13-681B has now 1 cfs associated to irrigate 121 acres according to the public info on your website. It is under the name of Wheeler Family Trust.

This transfer of 13-681A still under the original name of George Anderson proposes to irrigate 142 acres. (at least that's my understanding based on the amended application). This would be a significant enlargement of the original decreed right.

The maps that are attached to the application are not very clear about what is actually being irrigated by either source. Maybe it is just the quality of the maps, but I am questioning the total irrigated acres-both historic and proposed. Can the applicant show and prove the original acres under 13-681A were irrigated to their full extent and for how long? There are just too many questions on this one that I am uncomfortable about. This needs further review and maybe even a field visit. Also, I would propose that both of these amended transfers be advertised. I have talked with a few property owners in this part of the valley who have expressed interest and concern with these applications.

*Claudia Conder  
Water Rights Administrator  
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**From:** Cefalo, James [mailto:James.Cefalo@idwr.idaho.gov]  
**Sent:** Tuesday, June 28, 2011 1:31 PM  
**To:** carlybarbara@comcast.net; Conder, Claudia  
**Cc:** tjb@racinelaw.net; Jordan, Blake  
**Subject:** Protested Transfer Application No. 74659

Claudia and Carly,

This transfer application was recently amended and re-advertised. I thought I would provide you some of the background on the transfer and the reason for an amendment, to see if it resolves your issues of protest. The attached letter from TJ Budge also gives a similar history of the transfer.

Transfer 74658 and 74659 were filed in Feb 2008. The transfers were "companion" transfers, because they proposed a swap of water rights. Brad Smith owned two separate properties. In 2007, Mr. Smith sold one of the properties to Mr. Barlow. As part of that sale, Mr. Smith agreed to transfer a decreed right from Cold Spring Creek to the Barlow property. In exchange, a statutory claim would be filed on the Barlow property and Mr. Smith would be allowed to move the statutory claim (13-7710 - filed in 2007) to his property near the river.

Transfer 74658 (as originally filed) proposed moving statutory claim 13-7710 from the Barlow property to the Smith property. Transfer 74659 proposed moving decreed right 13-679 for Cold Spring Creek from the Smith property to the