

Cefalo, James

From: Cefalo, James
Sent: Friday, August 12, 2022 2:53 PM
To: bluesageranch@atcnet.net
Subject: Application for Transfer 86422

Terri,

The protest period has ended for your application for transfer and no protests were filed. We can now move forward with the final review of the application. As discussed in our previous email exchange, the evidence available to the Department at this time (aerial imagery) does not show any obvious signs of irrigation over the last twenty years. The Snake River Basin Adjudication court issued a partial decree for water right 34-929 in 2001. To help in the investigation of the validity of the water right, could you provide additional information about the historical use of the water right. When was last time water right 34-929 was diverted from Antelope Creek and used for irrigation?

If the water right has not been diverted and used for irrigation for many years, it may have been lost and forfeited for non-use? Section [42-223](#), Idaho Code, lists several defenses to forfeiture. If the right has not been used for many years, please review these statutory defenses, and let me know if and how any of the defenses apply to your situation. Please provide any additional information about irrigation use or applicable defenses to forfeiture by September 16, 2022. The requested information will assist me in evaluating whether the transfer can be approved.

James

 IDAHO DEPARTMENT OF
WATER RESOURCES
James Cefalo | Regional Manager
900 N Skyline Drive, Idaho Falls, ID 83402
(208) 525-7161 | www.idwr.idaho.gov