

Cefalo, James

From: Cefalo, James
Sent: Friday, March 11, 2022 4:37 PM
To: Greg Sullivan
Subject: Application for Transfer 85632 (Lezamiz Family Ltd Partnership)

Greg,

I am completing a final review of Application for Transfer 85632 and have some follow-up questions about the application. In your cover letter you state: "Water from Congdon Springs is very unreliable. Delivery from water right 34-633 to its current place of use has not occurred in many years. The conveyance ditches and points of diversion are not functional, have been filled in over the years or simply do not exist anymore." These statement are not consistent with the information I have gathered from other water users in the area. Water right 34-633 is the most senior water right from Congdon Springs. It is always available, at least in part, at the authorized point of diversion. Representatives from the Big Lost River Irrigation District state that Congdon Springs water has been delivered to the Seefried property as recently as 2017. Bruce Warner, another water user on Congdon Springs, told me that Congdon Springs was used by Dave Nelson, predecessor in interest to Seefried.

Records from the Big Lost River Irrigation District indicate that Congdon Springs water was delivered to Bill Seefried in September and October 2017. Because 2017 was such a good water year, Most Big Lost River rights were available at the same time water was delivered from Congdon Springs to Seefried. It is not clear from the BLRID records whether Seefried was actually using water from the Big Lost River, Congdon Springs, both, or neither. Records from BLRID, show that Congdon Springs water was also delivered to Dave Nelson (predecessor in interest to Seefried) in 2012.

A couple of weeks ago, I spoke with Randy Nelson. He said that he ran the Dave Nelson farm for a couple of years after Dave died. According to Randy, Seefried (his sister) took over management of the farm around 2012/2013. He also said that the ditch pump was removed shortly after Seefried took over management of the farm. If the ditch pump were removed, it is not clear how water from Congdon Springs was used in 2017.

I am looking for more specific information about the use of Congdon Springs water on the existing (Seefried) place of use since Seefried has managed the property. When was the last time Congdon Springs water was used for irrigation on the existing place of use for right 34-633? If Congdon Springs water cannot be used anymore, why not? Has infrastructure been removed from the ditch? Has the mainline tying together the pump from the surface water ditch and the ground water well been removed? What sections of the ditch have been filled in between Congdon Springs and the existing place of use? What kind of work would be required to resume using water from Congdon Springs? Answers to these questions will help me complete an injury and enlargement analysis under Idaho Code, Section 42-222.

I know it may take some time to track down this specific information from Seefried. Please provide the additional information by April 8, 2022. Feel free to call if you have any questions. Please forward this email to the Lezamiz family. The application did not include an email address for the partnership.

James

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