

## Nebeker, Jake

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**From:** Greg Sullivan <greg.sullivan@brockwayeng.com>  
**Sent:** Friday, July 16, 2021 12:03 PM  
**To:** Nebeker, Jake  
**Cc:** jaysonandjana@gmail.com  
**Subject:** RE: WR 34-14755

Jake,

Water right 34-14755 has a priority date of 7/21/1910 from Congdon Springs. Congdon Springs is a very low producing water source in the area. This particular water right is curtailed by the local water master in early May of each year. Jayson informed me that in the spring of 2017 and 2018 he was able to divert water and irrigate with it from Congdon Springs for a short time period. The winters for 2017 and 2018 were excellent water years which provide a large spring runoff. During normal winters and normal spring runoff events. No water is diverted from Congdon Springs to satisfy 34-14755.

Water right 34-14755 cannot be forfeited by non-use because the owner of 34-14755 has no control of the amount of water provided by Congdon Springs. There are multiple water rights on Congdon Springs that have senior priority dates that utilized the full water source to satisfy their water right allocations. If water from Congdon Springs was available, Jayson would utilize the water for irrigation purposes.

Please let me know if this response is sufficient for you to continue processing Jayson's transfer application.

Greg Sullivan  
Brockway Engineering  
2016 North Washington Street, Suite 4  
Twin Falls, Idaho 83301  
208-736-8543

*All information, calculations, maps, drawings, or other documents transmitted via e-mail are preliminary unless explicitly stated in the e-mail text or in the documents themselves.*

**From:** Nebeker, Jake [mailto:Jake.Nebeker@idwr.idaho.gov]  
**Sent:** Friday, July 16, 2021 11:17 AM  
**To:** greg.Sullivan@brockwayeng.com  
**Cc:** jaysonandjana@gmail.com  
**Subject:** WR 34-14755

Greg,

Water right 34-14755 within transfer 84959, has been brought to my attention by my supervisor in regard to forfeiture. It appears that this place of use has not been irrigated for some time, based on our aerial photography and attached NDVI data going back to 1985. For the attached document, we consider adequate irrigation to be at a minimum of 0.6 units. A letter attached to the transfer also indicates that this water right has not been delivered for many years.

I am writing to you to request exceptions or defenses to forfeiture. You can find information about defenses to forfeiture within section 42-223, Idaho Code.

WR 34-14755

