

Cefalo, James

From: Luke Marchant <lmarchant@holdenlegal.com>
Sent: Friday, February 02, 2018 1:01 PM
To: Cefalo, James
Subject: RE: Application for Transfer 80059 (Sorensen)

I'll get that taken care of. I assume you have spoken with Dennis about getting the old Smith well properly abandoned? Last I heard, that should happen sometime this month. If you need anything else, let me know.



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From: Cefalo, James [mailto:James.Cefalo@idwr.idaho.gov]
Sent: Friday, February 2, 2018 12:00 PM
To: Luke Marchant <lmarchant@holdenlegal.com>
Subject: Application for Transfer 80059 (Sorensen)

Luke,

I've done some additional research on water right 34-14030. The digital backfile for the original right, 34-2510, is missing some of the documents. I had to search through our microfiche records to find them. I found the proof of beneficial use affidavits which stated that the well was originally constructed 100 feet deep with an 18 inch casing. I could not find a well log for the well in question.

I reviewed all of the satellite images for 2012 and could not find any evidence of irrigation. Mr. Sorensen asserts that he personally irrigated the property in 2012 as a renter, so he should be able to complete an affidavit describing the irrigation.

When we met a couple of weeks ago, Mr. Sorensen agreed that the acres to be transferred have not been irrigated with ground water for many years. You asserted, however, that forfeiture does not apply in this case because there are applicable defenses to forfeiture (inaccessible ground water because of shallow well, complete irrigation from other sources in 2012). Please provide an affidavit setting forth your defenses to forfeiture for inclusion in the record.

James Cefalo
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