

Nebeker, Jake

From: Greg Sullivan <greg.sullivan@brockwayeng.com>
Sent: Friday, February 16, 2024 1:40 PM
To: Nebeker, Jake
Subject: RE: Water Right Transfer 88634

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

Jake,

I was informed that the Watermaster for the Lost River Valley has recently quit. This will delay us in obtaining a letter from the Watermaster regarding the transfer that is pending and historical irrigation that has occurred on this farm.

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: Monday, January 29, 2024 10:31 AM
To: Greg Sullivan <greg.sullivan@brockwayeng.com>
Subject: RE: Water Right Transfer 88634

That is great, thank you.

Regards,



Jake Nebeker

Senior Water Resource Agent

Office: (208) 525-7161

Email: jake.nebeker@idwr.idaho.gov

900 N Skyline Ste. A Idaho Falls, ID 83402

From: Greg Sullivan <greg.sullivan@brockwayeng.com>
Sent: Monday, January 29, 2024 9:37 AM
To: Nebeker, Jake <Jake.Nebeker@idwr.idaho.gov>
Subject: RE: Water Right Transfer 88634

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Jake,

We have prepared a historical priority cut analysis for the water rights involved in this transfer. We are trying to verify some delivery shrinkage numbers with the water district in the valley. We are also waiting on a letter from the Watermaster concerning historical water availability and delivery of the water to this farm. As soon as we have this documents in hand, I will send them to you for your review.

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

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From: Nebeker, Jake [<mailto:Jake.Nebeker@idwr.idaho.gov>]
Sent: Wednesday, January 24, 2024 7:48 AM
To: Greg Sullivan <greg.sullivan@brockwayeng.com>
Subject: FW: Water Right Transfer 88634

Greg,

This transfer is waiting for your response. Our request remains the same. We would like you to provide any defenses or exceptions to forfeiture for the remaining 30.4 acres. We also request evidence that water has been delivered to the current place of use, and a map showing ditch systems and pump/headgate locations.

See email sent Friday, December 8, 2023 12:46 PM for further information.

Regards,



Jake Nebeker

Senior Water Resource Agent

Office: (208) 525-7161

Email: jake.nebeker@idwr.idaho.gov

900 N Skyline Ste. A Idaho Falls, ID 83402

From: Nebeker, Jake
Sent: Thursday, January 4, 2024 8:15 AM
To: Greg Sullivan <greg.sullivan@brockwayeng.com>
Subject: RE: Water Right Transfer 88634

No protests were filed on this transfer.

Jake

From: Greg Sullivan <greg.sullivan@brockwayeng.com>
Sent: Thursday, January 4, 2024 8:13 AM
To: Nebeker, Jake <Jake.Nebeker@idwr.idaho.gov>
Subject: RE: Water Right Transfer 88634

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

Jake,

Was there any protests filed on the transfer?

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: Thursday, January 04, 2024 7:22 AM
To: greg.sullivan@brockwayeng.com
Subject: RE: Water Right Transfer 88634

Greg,

I received this transfer back from advertising last week. Could you provide a response to my prior email please.

Thanks
Jake Nebeker

From: Nebeker, Jake
Sent: Friday, December 8, 2023 12:46 PM
To: Greg Sullivan <greg.sullivan@brockwayeng.com>
Subject: Water Right Transfer 88634

Greg,

After our phone call on Monday (12/4/2023), I was able to perform my analysis on the place of use, to determine the water rights validity. The results are based on a visual inspection of the aerial photography and Natural Difference Vegetation Index (NDVI) data. The NDVI data was pulled from climateengine.org. The analysis shows 41.6-acres of the

total 72-acre, general place of use showing evidence of irrigation. I have attached a map that shows 41.6 acres of irrigated land. The remaining 30.4 acres do not appear to have evidence of irrigation from 2001 to 2019.

At this point we do not have clear and convincing evidence that the remaining 30.4-acres have been irrigated. We would like you to provide any defenses or exceptions to forfeiture for the remaining 30.4 acres. We also request evidence that water has been delivered to the current place of use, and a map showing ditch systems and pump/headgate locations.

You can find information about defenses to forfeiture within section [42-223](#), Idaho Code. Unfortunately, this information will be required before the transfer application can be considered for approval.

I will mail a copy of this email and attachment to the applicant, because they did not provide an email address.

Regards,



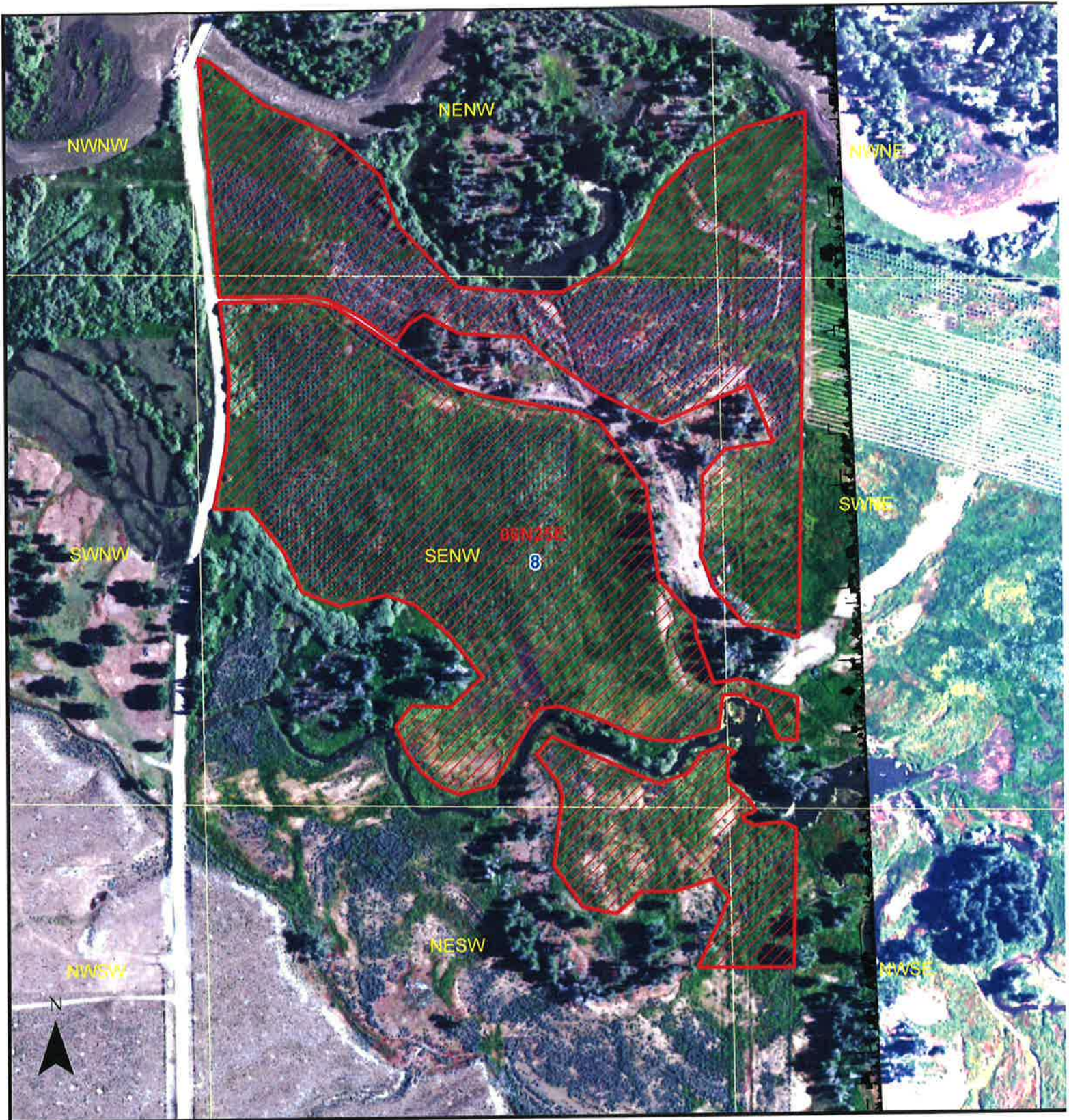
Jake Nebeker

Senior Water Resource Agent

Office: (208) 525-7161

Email: jake.nebeker@idwr.idaho.gov

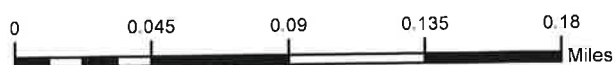
900 N Skyline Ste. A Idaho Falls, ID 83402



-  Stevenson_POU_Corrected_41.6 Acres
-  Township/Range
-  Sections
- QQ

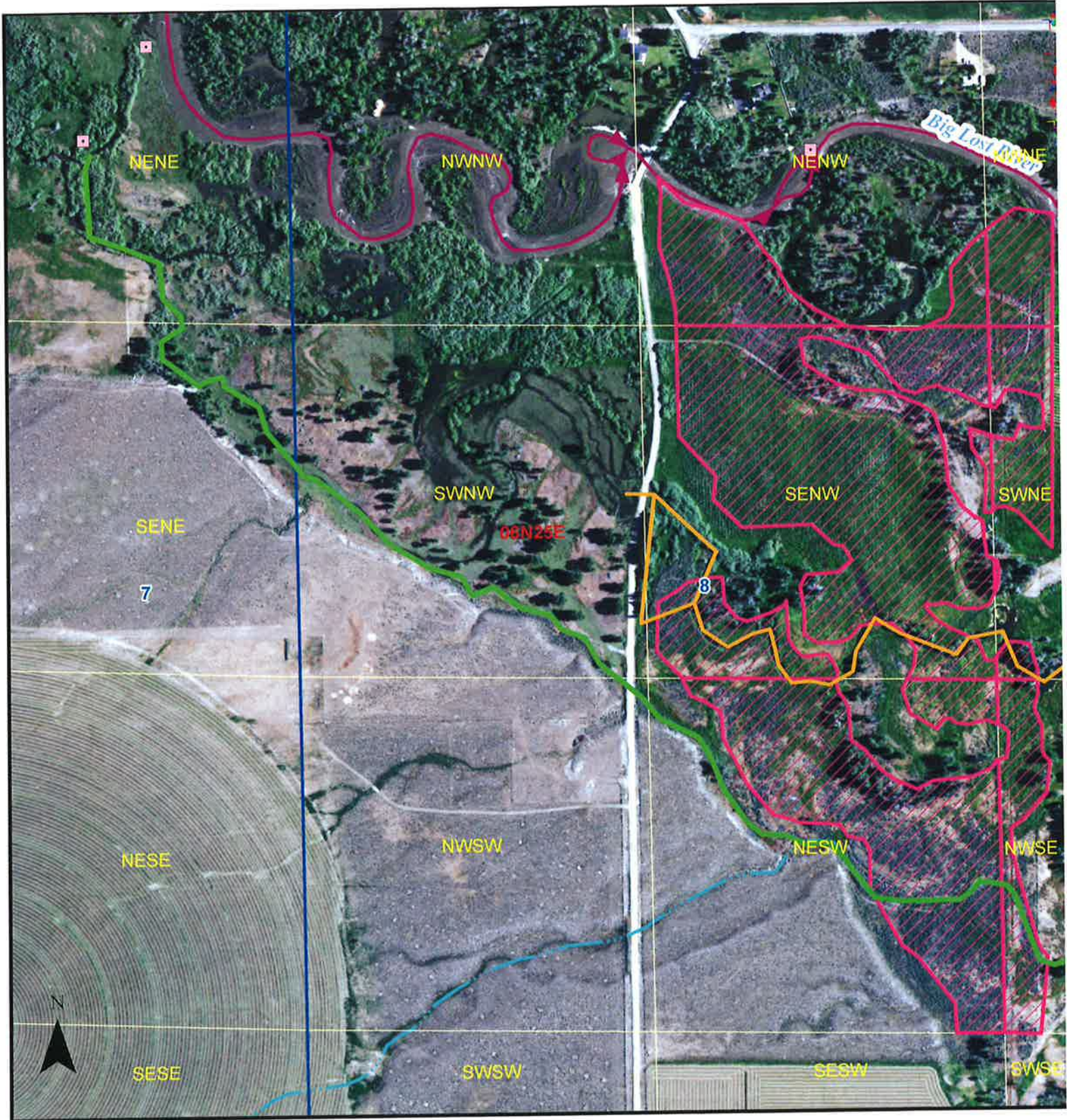
Transfer 88634

2017 Imagery



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JNEBEKER_IDWR



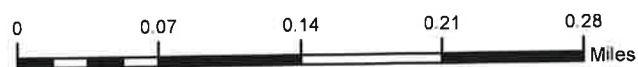
Transfer 88634 2017 Imagery



IDAHO DEPARTMENT OF
WATER RESOURCES

JNEBEKER_IDWR

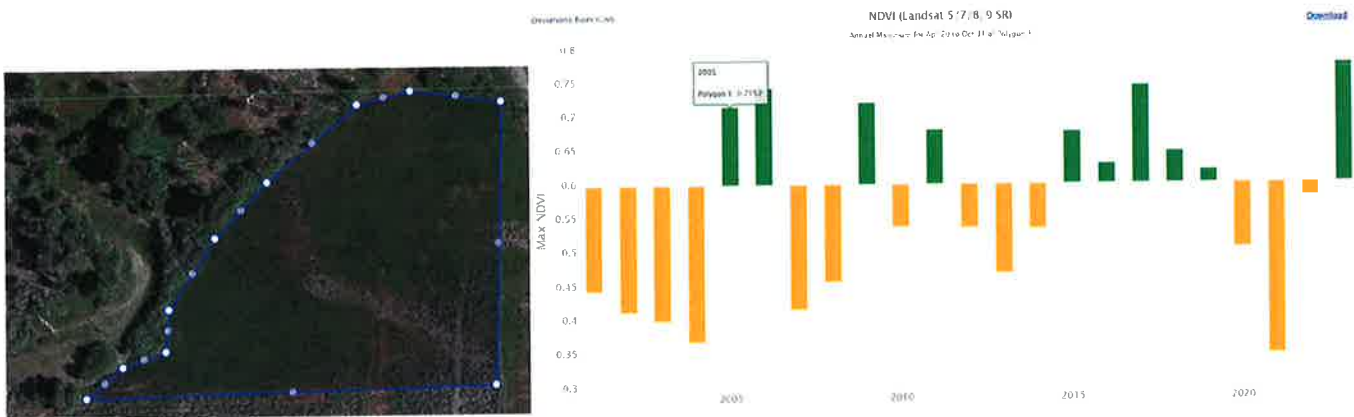
- Natural Stream/Ditch
- Ditch System
- Stevenson_POU
- Township/Range
- Sections
- QQ
- Water Right POD



Transfer No. 88634 Forfeiture Analysis

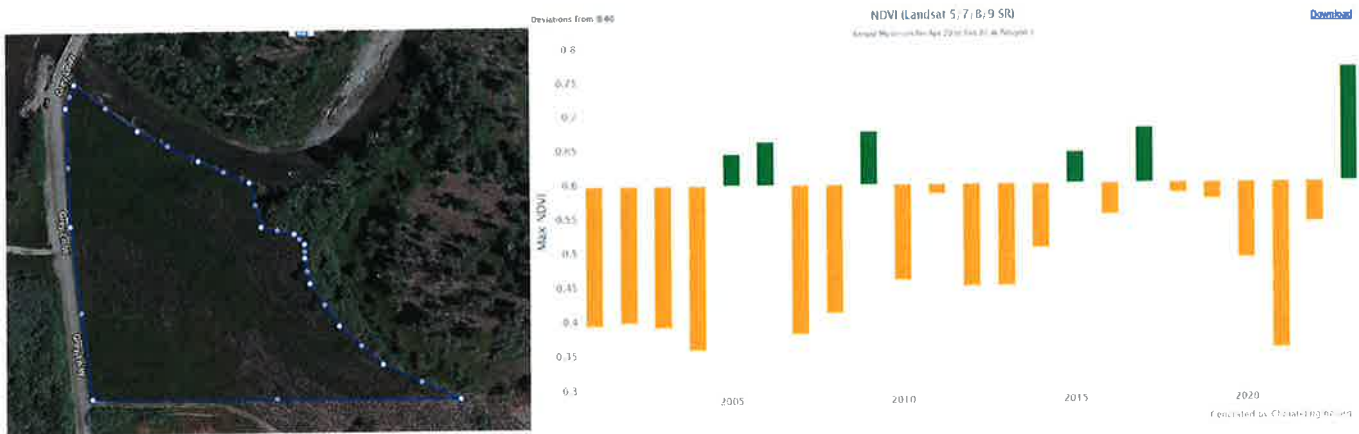
For this analysis the 72-acre place of use is broken up into smaller sections. This is because when using the climate engine tool, the results are an average of the input area. The time period selected was the water rights extended season of use, and from 2001 when the water right was decreed to 2023.

#1. Top NE Section



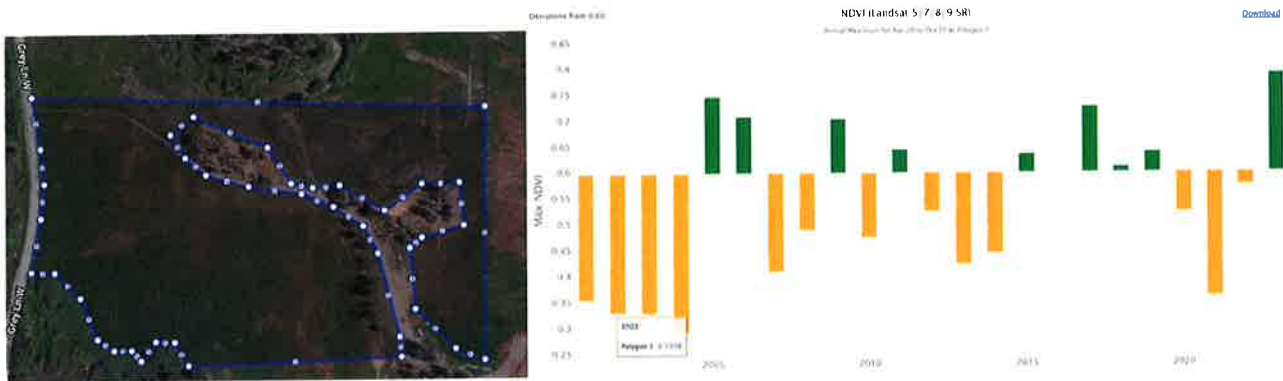
Results: Forfeiture does not appear to be an issue.

#2. Top NW Section



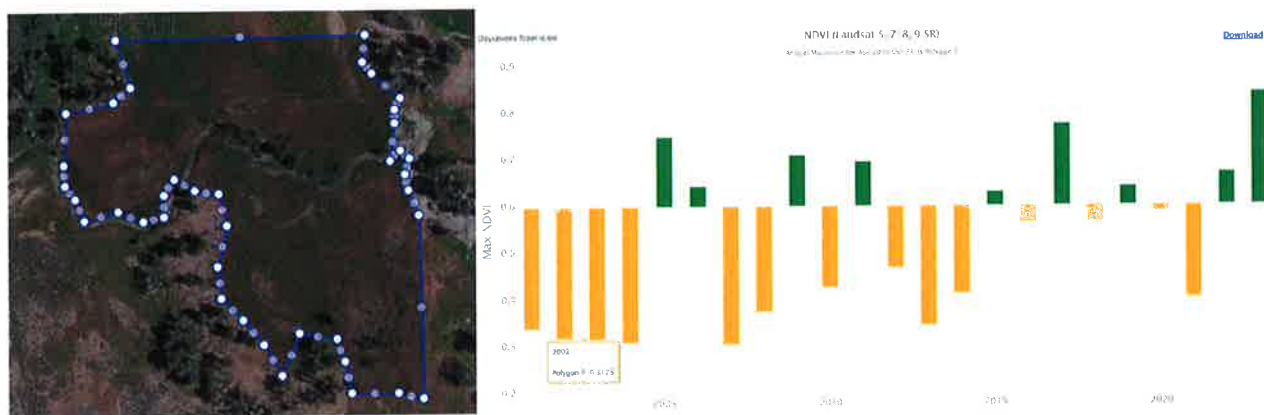
Results: Forfeiture does not appear to be an issue.

#3. Upper - Mid Section



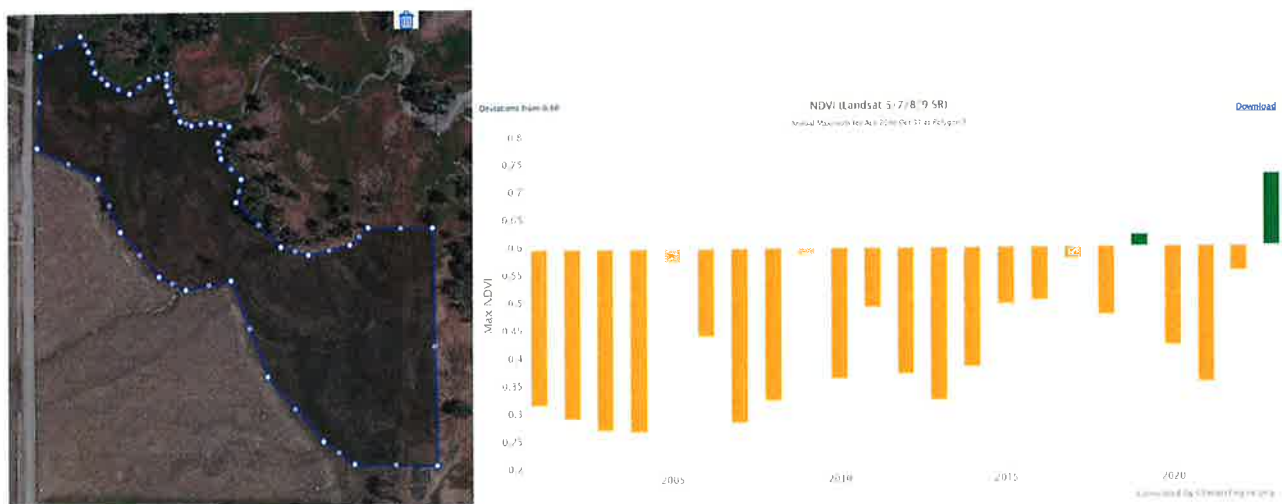
Results: Forfeiture does not appear to be an issue.

#4. Lower Mid-Section



Results: Forfeiture does not appear to be an issue.

#5. Southern Section



Results: Review of aerial photography does not show growing vegetation on the southern section. Additionally, the NDVI data shows values less than the 0.6 threshold from 2001 to 2019. At minimum there have been 18 years of non-use in this section.

Conclusion:

The water right report shows a combined use limit of 72-acres for these rights, but the current water right geographic shape file is 61 acres. The area that shows irrigation or adequate NDVI data for these rights is 41.6 acres. 72 total acres minus the 41.6 irrigated acreage equals 30.4-acres of the water rights that do not show evidence of irrigation from 2001 to 2019. This 30.4 acres will be reduced/forfeited from the water rights total acres unless the applicant can provide adequate defenses or exceptions to forfeiture.

You can find information about defenses to forfeiture within section [42-223](#), Idaho Code.