

Idaho Department of Water Resources  
900 N Skyline Dr. Suite A  
Idaho Falls, ID 83402

## Defense to forfeiture in regards to water right 13-7048

Water right 13-7048 was originally licensed to Rolan Bastian and after his passing the land was split into parcels and sold as residential lots. The property owners jointly used the water right at this time. In 2016 the Bastian pump was not functioning and before the major repairs could be coordinated, a huge downpour in 2017 caused a mudslide that wiped out mainlines leading to the place of use of the water right. The substantial repair costs due to the 180 foot elevation gain between the pump and the land being watered led to a delivery request from the West Cache Irrigation Company. This request and the idea of the company taking ownership of the water right was denied. In order to repair the infrastructure the eight property owners in the current place of use are combining resources with a neighbor to the south and have created the Green Acre Canal Company. We are now requesting the ownership of the right be changed to the Green Acre Canal Company and the place of use be updated to include all parties contributing to the repair of the infrastructure. These parties in the canal company will then receive shares of the water right. We have been in contact with Josh Hanks, the Watermaster of Water District 11 to ensure the delivery of water will not be an issue.

We believe the defense to forfeiture of this right falls under Idaho Statute 42-223 (6) which states "No portion of a water right shall be lost or forfeited for nonuse if the nonuse results from circumstances over which the water right owner has no control." The combined circumstances of the mudslide, repairs, and denied delivery from West Cache have led to the local community coming together protect this water right as a newly formed organization.

## Green Acre Canal Company LLC

### Governors

John Jensen  
Wayne Bingham  
Clyde Walton  
Christopher Maughan  
Lucia Yebra Esparza  
Kendra Jorgensen  
Shane Fitzgerald  
Gary Ryan Bayles  
Ted Palmer