
Re: Application for Transfer of Water Right

From Rach <rach17a@yahoo.com>

Date Mon 9/29/2025 1:23 PM

To McKenna Webster <mckenna.webster@idwr.idaho.gov>

 2 attachments (442 KB)

Withdrawal Signed.pdf; Outlook-rqlkbaw.png;

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Here you go.

Thanks,
Rachna

On Wednesday, September 24, 2025 at 12:49:24 PM MDT, McKenna Webster <mckenna.webster@idwr.idaho.gov> wrote:

Mike,

Ok thank you for letting me know. I've attached a Withdrawal of Application for Transfer form to this email. You can fill that out and email it, mail it, or drop it by our office, and we can get that processed.

Let me know if you have any questions.

Best Regards

McKenna Webster | Water Resource Agent

900 N Skyline Dr. Ste. A Idaho Falls, ID 83402

(208) 525-7161 (office) | www.idwr.idaho.gov



From: Rach <rach17a@yahoo.com>
Sent: Wednesday, September 24, 2025 12:26 PM
To: McKenna Webster <mckenna.webster@idwr.idaho.gov>
Subject: Re: Application for Transfer of Water Right

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Hi McKenna,
The cost to run electricity to the system has come in and it is way higher than what we were expecting. We thought we had a general idea of this cost from checking into it years ago but the prices have exploded higher.

We are going to abandon this transfer application and keep our current system in place.

Thanks,

Mike

On Tuesday, September 23, 2025 at 01:40:26 PM MDT, McKenna Webster <mckenna.webster@idwr.idaho.gov> wrote:

Mike,

It does need to be a notarized affidavit. It should include specific details about your irrigation system, how often you irrigated, what land was irrigated, and what crop was grown.

I can give you guidance on points that should be included in the affidavit, but because this is your statement, I'm limited in what I can do. I will say, any and all information that you can give us regarding those four points, as well as any information that you feel is pertinent, will be helpful in making a decision.

Best Regards

McKenna Webster | Water Resource Agent

900 N Skyline Dr. Ste. A Idaho Falls, ID 83402

(208) 525-7161 (office) | www.idwr.idaho.gov



From: Rach <rach17a@yahoo.com>
Sent: Tuesday, September 23, 2025 10:59 AM
To: McKenna Webster <mckenna.webster@idwr.idaho.gov>
Subject: Re: Application for Transfer of Water Right

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Does it make sense to send you the text from the affidavit so that you can confirm it covers what needs to be in there? I can see requests to amend the details or description this might save some back and forth.

Do you require a notarized affidavit?

Mike

On Tuesday, September 23, 2025 at 08:17:34 AM MDT, McKenna Webster <mckenna.webster@idwr.idaho.gov> wrote:

Mike,

I can't confirm that it will be approved, but it at least wouldn't be subject to forfeiture. The approval or refusal is determined by one of our managers.

Best Regards

McKenna Webster | Water Resource Agent

900 N Skyline Dr. Ste. A Idaho Falls, ID 83402

(208) 525-7161 (office) | www.idwr.idaho.gov



From: Rach <rach17a@yahoo.com>
Sent: Monday, September 22, 2025 7:51 PM
To: McKenna Webster <mckenna.webster@idwr.idaho.gov>
Subject: Re: Application for Transfer of Water Right

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Hi McKenna,
Can you confirm that the Application for Transfer will be approved once you receive the affidavit?

Thanks,

Mike

On Monday, September 22, 2025 at 01:47:20 PM MDT, McKenna Webster <mckenna.webster@idwr.idaho.gov> wrote:

Mike,

Pursuant to Idaho Code § 42-204, if we don't receive the necessary evidence of irrigation within **30 days**, we will continue processing this Application for Transfer and move forward with the forfeiture process. Again, an affidavit signed by yourself and Rachna would be sufficient evidence of use, as are the options described in previous emails.

If you choose to withdraw the application, the water right will not be forfeited. However, you will need to put that water right to use on the full 18 acres and have evidence of that use if you want to reapply for a transfer in the future. Once more, as your right stands, you can only irrigate from the point of diversion associated with the right prior to the Application of Transfer.

Let me know if you have any questions

Best Regards

McKenna Webster | Water Resource Agent

900 N Skyline Dr. Ste. A Idaho Falls, ID 83402

(208) 525-7161 (office) | www.idwr.idaho.gov



From: McKenna Webster <mckenna.webster@idwr.idaho.gov>

Sent: Friday, September 19, 2025 1:31 PM

To: Rach <rach17a@yahoo.com>

Subject: Re: Application for Transfer of Water Right

Mike,

Currently you are not authorized to irrigate from the irrigation well on your property described in the transfer application for water right 22-14106. You can, however, irrigate from the point of diversion associated with the water right as it was, prior to the application for transfer.

Unfortunately, the transfer cannot be approved without evidence of irrigation, unless an affidavit from Rachna and yourself is provided.

Best Regards

McKenna Webster | Water Resource Agent

900 N Skyline Dr. Ste. A Idaho Falls, ID 83402



From: Rach <rach17a@yahoo.com>
Sent: Friday, September 19, 2025 12:11 PM
To: McKenna Webster <mckenna.webster@idwr.idaho.gov>
Subject: Re: Application for Transfer of Water Right

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.

Can you confirm what our water usage rights are for the current well on our property?

Mike

On Thursday, September 18, 2025 at 04:18:39 PM MDT, McKenna Webster <mckenna.webster@idwr.idaho.gov> wrote:

Mike,

There isn't a water district for ground water in that area, so there aren't any water master reports for us to reference. As far as when the five years of non-irrigation begins, it is any five year period after the water right was established to the present time.

Best Regards

McKenna Webster | Water Resource Agent

900 N Skyline Dr. Ste. A Idaho Falls, ID 83402

(208) 525-7161 (office) | www.idwr.idaho.gov



From: Rach <rach17a@yahoo.com>
Sent: Thursday, September 18, 2025 4:01 PM
To: McKenna Webster <mckenna.webster@idwr.idaho.gov>
Subject: Re: Application for Transfer of Water Right

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.

Hi McKenna,

When does the five years start?

Are you saying the water rights, based on watermaster reports, were already invalid when we purchased the property?

Mike

On Thursday, September 18, 2025 at 03:46:03 PM MDT, McKenna Webster <mckenna.webster@idwr.idaho.gov> wrote:

Mike,

I understand what you're saying, and our goal isn't to take away water rights if we don't have to. They're valuable assets, and we recognize that. Here is where we're at right now. A water right is valid when put to beneficial use. Typically, we can tell through the imagery that we have or through watermaster reports (if in a water district) if water has been put to use on a property. In some cases, it's more difficult to tell, and that could be due to the type of crop that is being grown, the time of year our imagery was taken, or because the water right isn't in a water district. In these cases, we need to reach out to the water right owner for evidence of use.

Here are some options. You can send me any of these: crop reports, tax documents, power records. You could also provide an affidavit signed by Rachna and yourself describing, in detail, the years, system used, the crop irrigated. If no irrigation has occurred in the last five years, you can refer to 42-223 (1-12), Idaho Code; described here are defenses to forfeiture. If one of those applies, you could provide a written statement explaining which defense applies and why. I'm including this to give you all of the options available for all possible situations.

Let me know if you have any questions.

[Section 42-223 – Idaho State Legislature](#)

Section 42-223 – Idaho State Legislature

42-223. Exceptions or defenses to forfeiture. A right to the use of water shall not be lost by forfeiture pursuant to the provisions of section 42-222, Idaho Code, for a failure to apply the water to beneficial use under the conditions specified in any subsection of this section. The legislature does not intend through enactment of this section to diminish or impair any statutory or common law ...

legislature.idaho.gov

Best Regards

McKenna Webster | Water Resource Agent

900 N Skyline Dr. Ste. A Idaho Falls, ID 83402



From: Rach <rach17a@yahoo.com>

Sent: Thursday, September 18, 2025 11:40 AM

To: McKenna Webster <mckenna.webster@idwr.idaho.gov>

Subject: Re: Application for Transfer of Water Right

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Hi McKenna,

We were assured verbally by everyone in your office that this process would not be used to steal our water rights. This reply strongly suggests that is what is happening.

We bought this property because of the water rights. We closed on December 7, 2020. Both our well driller and pivot installer are ready to install once permission is received (their timeline for being fully operational is weeks). If your office decides to drag this application out beyond that date it will be your office artificially pushing the watering beyond a five year period.

We are growing grass for our dairy cows to graze during the non winter seasons.

Our neighbors have been openly hostile and incredibly aggressive towards us. We have one of them on sheriff camera stating that they were harassing us in order to get us to move. Our neighbors have repeatedly lied, including provably false felony accusations. They will not assist us with an affidavit. Our property is visible from the road, so anything we do can be seen by anyone driving by.

Can you outline what you are actually looking to achieve? If this is better achieved verbally we can schedule a phone call, or we will be in Idaho Falls on Monday and can come by the office.

Mike and Rachna

On Thursday, September 18, 2025 at 08:40:28 AM MDT, McKenna Webster <mckenna.webster@idwr.idaho.gov> wrote:

Mike,

Would you provide a written statement of how often you have irrigated, what years, and, again, the system that you used to irrigate? Additionally, we would need an affidavit provided by a neighbor, or somebody who has personally witnessed the irrigation of your property (other than yourself and Rachna), describing the years, system used, the crop irrigated if possible, and that they witnessed the irrigation personally. It would be beneficial to provide specific information and details rather than more general descriptions.

Let me know if you have any questions.

Best Regards

McKenna Webster | Water Resource Agent

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From: Rach <rach17a@yahoo.com>

Sent: Wednesday, September 17, 2025 7:15 PM

To: McKenna Webster <mckenna.webster@idwr.idaho.gov>

Subject: Re: Application for Transfer of Water Right

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Hi McKenna,
We don't have anything helpful to send over.

Mike

On Wednesday, September 17, 2025 at 02:33:44 PM MDT, McKenna Webster <mckenna.webster@idwr.idaho.gov> wrote:

Mike,

Ok great! Do you happen to have pictures showing irrigation or power bills showing that the pump was used? We just need some supporting evidence to add to your transfer indicating that the land has been irrigated. Any evidence you have showing that was the water right has been used will be helpful.

Best Regards

McKenna Webster | Water Resource Agent

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(208) 525-7161 (office) | www.idwr.idaho.gov



From: Rach <rac...17a@yahoo.com>
Sent: Wednesday, September 17, 2025 10:37 AM
To: McKenna Webster <mckenna.webster@idwr.idaho.gov>
Subject: Re: Application for Transfer of Water Right

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Hi McKenna,

- Could you tell me when the last time the described place of use was irrigated? This year.
- If so, how was it irrigated? Water pipes.
- How often has it been irrigated in the last five years? Every year.

Mike

On Wednesday, September 17, 2025 at 08:34:53 AM MDT, McKenna Webster <mckenna.webster@idwr.idaho.gov> wrote:

Good morning,

Could you tell me when the last time the described place of use was irrigated? If so, how was it irrigated? How often has it been irrigated in the last five years?

Best Regards

McKenna Webster | Water Resource Agent

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