

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION)	
FOR TRANSFER NO. 89200 IN THE)	
NAME OF JOHN OR JAMIE WIND)	PRELIMINARY ORDER DENYING
_____)	APPLICATION FOR TRANSFER

This matter having come before the Department of Water Resources (Department) as a result of an application to transfer water rights, the Department finds, concludes, and orders as follows:

FINDINGS OF FACT

1. On September 20, 2024, John and Jamie Wind (Applicants) filed Application for Transfer No. 89200 (Application) that proposed to add a point of diversion to a portion of water right 63-32617, pursuant to a Notice of Change in Water Right Ownership (ownership change) included with the Application.
2. On December 30, 2024, the Department processed the ownership change creating child water right no. 63-35659. Child right 63-35659 authorizes the diversion of 0.20 cubic feet per second of water from ground water for irrigation of 10 acres in Ada County.
3. On March 6, 2025, the Department mailed the Applicant a letter requesting information to confirm the validity of water right 63-35659. The Applicants were asked to provide a defense to forfeiture as listed in Idaho Code § 42-223. The letter informed the Applicants that if they did not respond to the request within 30 days, the Department would reject the transfer application.
4. On March 20, 2025, the Applicants provided a response to the letter. The response did not assert a defense to forfeiture listed in Idaho Code § 42-223.
5. On April 11, 2025, the Department notified the Applicant via e-mail that their response to the Department's validity concern did not assert a statutory defense to forfeiture listed in Idaho Code § 42-223.
6. The Department did not receive a response to the e-mail.
7. On August 29, 2025, the Department mailed the Applicant a letter informing them that their response to the Department's validity concern did not assert a statutory defense to forfeiture listed in Idaho Code § 42-223. The letter informed the Applicants that if they did not respond to the request within 30 days, the Department would reject the transfer application.
8. The Department has not received a response to the August 29, 2025 letter.

CONCLUSIONS OF LAW

1. When evaluating a transfer application, the Department first determines whether the applicant is "entitled to the use of water" as required by Idaho Code§ 42-222(1). The Department

interprets this requirement to mean that the water right(s) proposed to be changed must be valid. To determine water right validity, the Department requires evidence of a license, claim, or decree. Idaho Code § 42-222(1). The Department then evaluates the licensed, claimed, or decreed water right relative to the forfeiture provisions of Idaho Code § 42-222(2), and any defense to forfeiture asserted by the applicant. If the water right proposed to be changed is not valid, the proposed change cannot be approved, and any further analysis is moot. If the water right proposed to be changed is valid, the Department applies the transfer evaluation criteria in Idaho Code § 42-222(1). Without the additional information requested from the Applicant, the Department cannot confirm the validity of water right 63-35659.

2. The Department should deny transfer application No. 89200.

ORDER

IT IS HEREBY ORDERED that transfer application No. 89200 in the name of John or Jamie Wind is **DENIED** without prejudice.

Dated this 1st day of October, 2025.



Nick Miller
Manager, IDWR Western Region

WATER RESOURCES REGION

Check all that apply:

6. GENERAL INFORMATION

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

submersible pump from well to sprinkler irrigation system

- b. Who owns the property at the point(s) of diversion? applicant

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- ☐ ☒ undergone a period of five or more consecutive years of non-use,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right(s), or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the right(s)?

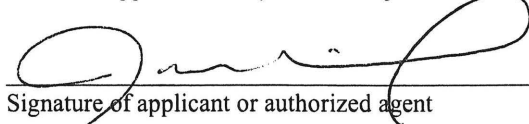
If yes, describe:

- d. Is any portion of the water right(s) proposed to be changed currently leased to the Water Supply Bank? ☐ Yes ☒ No

- ☐ If yes and there are multiple owners, attach a Lessor Designation form.
☐ If yes, the individual owner or designated lessor must complete, sign and attach an IRS Form W-9.
(Disregard if these items are on file and ownership has not changed.)

7. **MAP** – ☒ Attach a map of the diversion, measurement, control and distribution system. Include the place of use if a split of the water right occurred. Clearly label the map with township, range, section and $\frac{1}{4}$ $\frac{1}{4}$ of section information. You may create a map at idwr.idaho.gov, *Water Rights*, *Water Right Transfers*, *File a Transfer Application*, *Step 2C*.

8. **SIGNATURE** – The information in this application is true to the best of my knowledge. I understand any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.


Signature of applicant or authorized agent

Samie Wind
Print name and title if applicable

07/03/24
Date

John A. Wind Jr.
Signature of applicant or authorized agent

John A. Wind Jr.
Print name and title if applicable

Date

9. **FEE** – ☒ The application filing fee provided in Idaho Code § 42-221.O, must be submitted with the application for transfer. Applications for changes pursuant to Idaho Code § 42-221.O.8. require a filing fee of \$50 per water right. All other application fees are based on the total amount of water proposed for transfer in Item 4: the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The Fee Schedule is available at www.idwr.idaho.gov, *Water Right Transfers*, *Step 4* and in the *Application for Transfer Instructions*.

FOR DEPARTMENT USE ONLY

Transfer includes pages of attachments. Received by MB Date 07/03/2024
Fee paid \$200.00 Date 7/3/24 Received by MB Receipt # W052053
Preliminary review by Date Active in the Water Supply Bank? Yes ☐ No ☐

W-9 received? Yes ☐ No ☐ Name on W-9 W-9 forwarded to fiscal? Yes ☐ No ☐

(Do NOT scan the W-9 – confidential information is held by fiscal only)

Water Right Report : 63-32617(Decreed/Active)

Water Right Owners

Owner Type	Name	Address	City	State	Postal Code
Current Owner	CRAIG, ESTHER	2200 POEN RD	KUNA	ID	83634
Current Owner	CRAIG, WAYNE W	2200 POEN RD	KUNA	ID	83634

Water Right Status

Priority Date : 5/10/1971
Basis : Decreed
Status : Active

Water Source

Source	Source Qualifier	Tributary	Tributary Qualifier
GROUND WATER			

Points Of Diversion (Location)

Source	Township	Range	Section	Govt. Lot	QQQ	QQ	Q	County	Diversion Type
GROUND WATER	01N	01E	18	4	SE	SW	SW	ADA	
GROUND WATER	01N	01E	19	0	NW	NE	SW	ADA	

Water Uses

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	03/15	11/15	0.93 CFS	205.20 AFA
DOMESTIC	01/01	12/31	0.02 CFS	1.20 AFA
TOTAL			0.95 CFS	206.40 CFS

Places of Use

[Printable View](#) [Paged View](#)

Place of Use Legal Description : IRRIGATION (ADA county)

Township	Range	Section	Lot	QQQ	QQ	Q	Acres
01N	01E	18	3		NW	SW	29
01N	01E	18	4		SW	SW	10
01N	01W	13	4		SE	SE	6.6

Place of Use Legal Description : DOMESTIC (ADA county)

Township	Range	Section	Lot	QQQ	QQ	Q	Acres
01N	01E	18	3		NW	SW	
01N	01E	18	4		SW	SW	
01N	01W	13	4		SE	SE	

Irrigation Totals

Total Acres Acre Limit
45.60

Conditions

Code Conditions

T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

- X61 The period of use for the irrigator described in this approval may be extended to a beginning date 1 provided that beneficial use of the water can be shown, other elements of the right are not exceeded. The use of water L 3/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 5/17/2007.
- X35 Rights 63-7426, 63-7430A, 63-7430D, 63-31321, 63-31322, 63-32117, 63-32118, 63-32119, 63-32335, 63-32617 and 63-32618 when combined shall not exceed a total diversion rate of 10.69 cfs.
- F06 The following rights are diverted through point(s) of diversion described above: 63-7426, 63-7430A, 63-31322, 63-32117, 63-32118, 63-32119, 63-32617 and 63-32618 .

Dates

Licensed Date :
Decreed Date : 5/17/2007
Permit Proof Due Date :
Permit Proof Made Date :
Permit Approved Date :
Permit Moratorium Expiration Date :
Enlargement Use Priority Date :
Enlargement Statute Priority Date :
Application Received Date:
Protest Deadline Date:

Other Information

State or Federal :
Water District Number : TBD
Generic Max Rate Per Acre : 0.02
Generic Max Volume Per Acre : 4.5
Combined Acre Limit :
Combined Volume Limit:
Combined Rate Limit: 10.69
Civil Case Number :
Decree Plaintiff :
Decree Defendant :
Swan Falls Trust or Nontrust :
Swan Falls Dismissed :
DLE Act Number :
Cary Act Number :
Mitigation Plan: False

IDAHO DEPARTMENT OF WATER RESOURCES

7/3/2024



192000



5680 E. Franklin Rd., Ste. 150
Nampa, ID 83687

ELECTRONICALLY RECORDED-DO NOT
REMOVE THE COUNTY STAMPED FIRST
PAGE AS IT IS NOW INCORPORATED AS
PART OF THE ORIGINAL DOCUMENT

File No. 844458 KC/LS

ADA COUNTY RECORDER Trent Tripple
BOISE IDAHO Pgs=1 CHE FOWLER
PIONEER TITLE COMPANY OF ADA COUNTY

2023-071728
12/28/2023 11:15 AM
\$15.00

WARRANTY DEED

For Value Received Esaul Contreras Cuevas and Eva C. Cuevas, husband and wife
hereinafter referred to as Grantor, does hereby grant, bargain, sell, warrant and convey unto

John A. Wind Jr. and Jamie L. Wind, husband and wife
hereinafter referred to as Grantee, whose current address is 15516 Paen rd. Kuna ID 83634
The following described premises, to-wit:

Lot 1, Block 1, Flat Estates Subdivision, according to the plat thereof, filed in Book 78 of Plats at
page(s) 8274-8275, records of Ada County, Idaho.

To HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), and
Grantees(s) heirs and assigns forever. And the said Grantor(s) does (do) hereby covenant to and with the
said Grantee(s), that the Grantor(s) is/are the owner(s) in fee simple of said premises; that said premises
are free from all encumbrances EXCEPT those to which this conveyance is expressly made subject and
those made, suffered or done by the Grantee(s); and subject to U.S. Patent reservations, restrictions,
dedications, easements, rights of way and agreements, (if any) of record, and current years taxes, levies,
and assessments, includes irrigation and utility assessments, (if any) which are not yet due and payable,
and that Grantor(s) will warrant and defend the same from all lawful claims whatsoever.

Dated: 12/27/2023

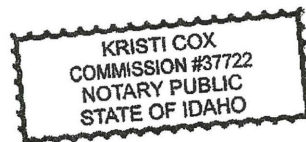
Esaul Contreras Cuevas
Esaul Contreras Cuevas

Eva C. Cuevas
Eva C. Cuevas
State of Idaho, County of Canyon

This record was acknowledged before me on 12-27-23 by Esaul Contreras Cuevas
and Eva C. Cuevas

Kristi Cox
Signature of notary public
Commission Expires:

Residing in Middleton, Idaho
Commission Expires: 03-11-2026



089200



IDAHO DEPARTMENT OF
WATER RESOURCES

Western Region • 2735 W Airport Way • Boise, ID 83705-5082

Phone: 208-334-2190 • Fax: 208-334-2348 • Email: westerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Mathew Weaver

October 9, 2025

JOHN OR JAMIE WIND
1556 POEN RD
KUNA ID 83634-1798

RE: Preliminary Order Denying Application for Transfer No. 89200

Dear Applicant(s):

Please see the enclosed *Preliminary Order Denying Application for Transfer* for Transfer No. 89200 in the name of JOHN OR JAMIE WIND.

If you have any questions regarding this matter, please contact our office at (208) 334-2190.

Sincerely,

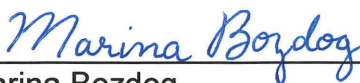
Marina Bozdog
Technical Records Specialist I

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on October 10, 2025, I served a true and correct copy of the foregoing document by U.S. Mail, postage prepaid, to the following:

JOHN OR JAMIE WIND
1556 POEN RD
KUNA ID 83634-1798



Marina Bozdog
Technical Records Specialist I

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.



Western Region • 2735 W Airport Way • Boise, ID 83705-5082

Phone: 208-334-2190 • Fax: 208-334-2348 • Email: westerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Mathew Weaver

August 29, 2025

JOHN OR JAMIE WIND
1556 POEN RD
KUNA, ID 83634-1798

RE: Additional Information Request for Transfer #89200

Dear Mr. and Ms. Wind,

On March 6, 2025, the Department mailed a defense to forfeiture letter to you concerning transfer application 89200. The Department was unable to confirm from aerial imagery that the water right has been used for irrigation in the last 5 years or even within the last 20 years. After speaking with Scott Storms on March 20, 2025, you emailed a response to the defense to forfeiture letter. However, the response did not address any of the statutory defenses to forfeiture listed in Idaho Code 42-223. Since the Department is unable to confirm the validity of the water right and cannot find a valid statutory defense to forfeiture we can't continue to process the transfer.

At this point, the Department can (1) return the application to you in which case the you may seek other options, even a new permit, or (2) the Department can issue a decision to deny the application in which case the you would have an opportunity to formerly appeal the decision and perhaps bring evidence that would meet the criteria lined out in Idaho Code 42-223 (see attachment or link below).

Please submit the requested information to continue application processing. You may seek additional time to provide the information by making a written request to interrupt processing for up to six months. The application will be rejected or approved with partial forfeiture without a timely written reply within the next **thirty (30) days**. Refunds are not issued for rejected applications. You may also withdraw the application with the form enclosed in order to receive a refund for the filing.

IDWR forms and other information are available on the Internet at www.idwr.idaho.gov. Please contact me at 208-334-2190 if you need more information. Thank you for your attention to these matters.

Respectfully,

Allen Bradbury
Water Resource Agent, Sr.

Enclosure(s): Idaho Statute §42-223
Withdrawal form

Bradbury, Allen

From: Bradbury, Allen
Sent: Friday, April 11, 2025 5:09 PM
To: wrllwind7@gmail.com
Cc: Storms, Scott
Subject: 89200 Transfer Application - Defenses to Forfeiture
Attachments: 42-223 (14pt Highlighted).pdf

Dear Mr. and Ms. Wind,

On March 6, 2025, the Department mailed a defense to forfeiture letter to you concerning transfer application 89200. The Department was unable to confirm from aerial imagery that the water right has been used for irrigation in the last 5 years or even within the last 20 years. After speaking with Scott Storms on March 20, 2025, you emailed a response to the defense to forfeiture letter. However, the response did not address any of the statutory defenses to forfeiture listed in Idaho Code 42-223. Since the Department is unable to confirm the validity of the water right and cannot find a valid statutory defense to forfeiture we can't continue to process the transfer.

At this point, the Department can (1) return the application to you in which case the you may seek other options, even a new permit, or (2) the Department can issue a decision to deny the application in which case the you would have an opportunity to formerly appeal the decision and perhaps bring evidence that would meet the criteria lined out in Idaho Code 42-223 (see attachment or link below).

Please let me know which one of the two options you would like to do. Please call at 208-334-2190 or email me if you have any questions.

Best Regards,

Allen

Attachment and Links:

Idaho Code 42-223 – Exceptions and Defenses to Forfeiture. This particular attachment has each of the twelve defenses highlighted for easy reference.

Here is a link as well: <https://legislature.idaho.gov/statutesrules/idstat/Title42/T42CH2/SECT42-223/>



Allen Bradbury | Water Resource Agent, Sr.
IDWR-Western Region | 208.334.2190
allen.bradbury@idwr.idaho.gov

Bradbury, Allen

From: Jamie Wind <wrlwind7@gmail.com>
Sent: Thursday, March 20, 2025 5:58 PM
To: Storms, Scott
Cc: Bradbury, Allen
Subject: Re: FW: Defenses to Forfeiture

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.

To Whom this may concern,

I am writing today to address the possibility of forfeiture of our water rights for property: 1652 Poen road, Kuna ID 83634

We procured this property at the end of December 2023. It has been quite the task to get the previous owner to remove all the equipment and debris off of it and we are still working on

it. https://www.zillow.com/homedetails/1652-E-Poen-Rd-Kuna-ID-83634/72687254_zpid/

As you can see, this is the image of the property with all the "stuff" everywhere on the property. Also, as you can see, to the left is our home property of 1556 Poen Rd, Kuna, ID 83634. It is clean and green.

We had to go through quite the process of getting the previous owner to move all of his equipment. That was not done until May of 2024. At which time, we were remodeling the mobile home on the property to get it ready to rent.

I noticed that the electricity bill was outrageously high so we called Idaho power to come out and run an assessment about what was possibly going on. At that time, Idaho power told us that it was the pump in the well.

We called out three companies and finally we settled on Burgess pump since the pump and motor were still under warranty through them. We had to wait for them to get the parts and in June of 2024, they fixed the pump and motor in the well.

We went to Water Resources July 3 and spent quite a few hours with Allen Bradbury on how to figure out how to obtain a water rights transfer so we could start irrigating our back pasture. We were unsure if that was something we could start doing before having those rights. And in the meantime, we were still trying to clean up leftover debris from the previous tenant.

We were notified on July 29, 2024, that we needed to come back in and pay some more fees. Jamie came back in and paid the "insufficient funds".

Our renters on the property, with our help, have added sod to the back part of the property with the house and have animals grazing in the pasture area. We still need to clean up a steel shed that the previous owner left that was unsafe until the wind knocked it down.

I cannot seem to find any updated google earth or Zillow pics but you are welcome to come to the property or when we start flying our drone, I can take a pic.

But as you can see, we utilize our water to help prevent fires and promote the healthy growth for our animals to graze on. These water rights are necessary to grow grass to feed our animals on our places.

We are absolutely certain that these water rights will be put to good use based on our past, current and future endeavors on all our places.

Please let us know if there is anything else we can do to assuage your/ or anyone's doubt in the fruitfulness of this water on this property.

Thank you,

Jamie and John Wind
(208)949-6304
wrlwind7@gmail.com

Bradbury, Allen

From: Storms, Scott
Sent: Thursday, March 20, 2025 2:35 PM
To: wrlwind7@gmail.com
Cc: Bradbury, Allen
Subject: FW: Defenses to Forfeiture
Attachments: Section 42-223 – Idaho State Legislature.pdf

- Scott

From: Storms, Scott
Sent: Thursday, March 20, 2025 2:34 PM
To: wrlwind@gmail.com
Cc: Bradbury, Allen <Allen.Bradbury@idwr.idaho.gov>
Subject: Defenses to Forfeiture

Hello Jamie,

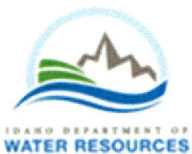
Attached is Idaho Code 42-223 – Exceptions and Defenses to Forfeiture. Here is a link as well:

<https://legislature.idaho.gov/statutesrules/idstat/Title42/T42CH2/SECT42-223/>

From what you've explained to me, it sounds like your defense would primarily be based around 42-223(6): *No portion of any water right shall be lost or forfeited for nonuse if the nonuse results from circumstances over which the water right owner has no control. Whether the water right owner has control over nonuse of water shall be determined on a case-by-case basis.* If you could put what you told me together in a letter and reference this portion of the statute, we can review that information and move forward with the application. You can go ahead and attach the letter to a response to this email and we will be sure to confirm with you when we receive it.

Thanks again!

Scott



Scott Storms
Water Rights Supervisor
IDWR Western Region
208-334-2190
Scott.storms@idwr.idaho.gov
2735 W Airport Way Boise, ID 83705



IDAHO DEPARTMENT
WATER RESOURCES

Western Region • 2735 W Airport Way • Boise, ID 83705-5082

Phone: 208-334-2190 • Fax: 208-334-2348 • Email: westerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Mathew Weaver

March 6, 2025

JOHN OR JAMIE WIND
1556 POEN RD
KUNA, ID 83634-1798

RE: Additional Information Request for Transfer #89200

Dear Mr. and Ms. Wind,

On July 3, 2024, you filed a transfer application to add a diversion point for water rights 63-32617. Part of the transfer process is review for rights subject to forfeiture. Idaho Statute 42-222 states in part:

... (2) All rights to the use of water acquired under this chapter or otherwise shall be lost and forfeited by a failure for the term of five (5) years to apply it to the beneficial use for which it was appropriated and when any right to the use of water shall be lost through nonuse or forfeiture such rights to such water shall revert to the state and be again subject to appropriation under this chapter; except that any right to the use of water shall not be lost through forfeiture by the failure to apply the water to beneficial use under certain circumstances as specified in section 42-223, Idaho Code.

I am trying to verify the beneficial use of water on your land. The parent right, 63-32617, authorizes irrigation within 45.6 acre place of use. As a result of your ownership change and request to split the original water right, a child right, 63-35659, was created which authorizes irrigation of a 10 acre place of use. Remote sensing imagery tools were used to evaluate the irrigation of the 10 acre child right for the years 2016 to 2024. Evidence for irrigation could not be found therefore your transfer application may be subject to forfeiture. **Evidence of irrigation use in these areas is needed to complete processing of the transfer application. The circumstances outlined in section §42-223, Idaho Code, are attached to this letter. Please provide the Department a defense to forfeiture as outlined in that section.**

Please submit the requested information for the application to be processed. You may seek additional time to provide the information by making a written request to interrupt processing for up to six months. The application will be rejected or approved with partial forfeiture without a timely written reply within the next **thirty (30) days**. Refunds are not issued for rejected applications. You may also withdraw the application with the form enclosed in order to receive a refund for the filing.

IDWR forms and other information are available on the Internet at www.idwr.idaho.gov. Please contact me at 208-334-2190 if you need more information. Thank you for your attention to these matters.

Respectfully,

Allen Bradbury
Water Resource Agent, Sr.

Enclosure(s): Idaho Statute §42-223
Withdrawal form



IDAHO DEPARTMENT OF
WATER RESOURCES

Western Region • 2735 W Airport Way • Boise, ID 83705-5082

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Governor Brad Little

Director Mathew Weaver

March 5, 2025

WAYNE W OR ESTHER CRAIG
2200 POEN RD
KUNA, ID 83634

Re: Change in Water Right Ownership: 63-32617 (Split into 63-35659)

Dear Water Right Holders:

The Department of Water Resources (Department) acknowledges the receipt of correspondence changing ownership of a portion of the above referenced water rights to you. The Department has modified its records based on the information received and has enclosed a computer-generated report for you.

Your portion of each water right(s) has a specified point of diversion, nature of use and place of use. If you plan to change the authorized point of diversion, nature of use, or place of use, including adding a new point of diversion, you must file an Application for Transfer of Water Right. If you do not plan to change any elements of your water right, then no further action is required at this time.

The portion of the water right retained by the original right holder retains the original water right number. The Department is sending the original right holder a copy of this letter and a computer-generated report showing the changes to the original water right.

Updating the ownership record for a water right does not reconfirm the validity of the right. When processing a Notice of Change in Water Right Ownership, the Department does not review the history of water use to determine if the right has been forfeited or deliberately abandoned through five years or more of non-use. To read more about water right forfeiture, including how to protect a water right from forfeiture, please see Idaho Code §§ 42-222 and 42-223.

Please note, water right owners are required to report any change of water right ownership and any change of mailing address to the Department within 120 days of the change. Reporting forms are available from any office of the Department, or from the Department's website.

If you have any questions concerning the enclosed information, please contact me at (208) 605-4623.

Sincerely,

Allen Bradbury
Water Resource Agent, Senior

Enclosures: Proof Reports and Maps

cc: JOHN OR JAMIE WIND



IDAHO DEPARTMENT OF
WATER RESOURCES

Western Region • 2735 W Airport Way • Boise, ID 83705-5082

Phone: 208-334-2190 • Fax: 208-334-2348 • Email: westerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Mathew Weaver

March 5, 2025

JOHN OR JAMIE WIND
1556 POEN RD
KUNA, ID 83634-1798

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cc: WAYNE W OR ESTHER CRAIG