
Re: Application for Transfer

From pjdobies182@aol.com <pjdobies182@aol.com>
Date Mon 7/20/2026 3:38 PM
To McKenna Webster <mckenna.webster@idwr.idaho.gov>

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Good morning McKenna ,

Thank you for your help so far in the matter of our water rights. Unfortunately since we've owned our property we've had no access to the point of diversion, making it impossible to irrigate our property. The reason we've had no access to the point of diversion is because it's not in our developement. Since our home was built in 2020 we've put in a sprinkler system that has been used to water only the build circle area of our property (120 ft in diameter). The problem is we are trying to put trees and other landscaping that will extend out into the rest of the property (2.5 acres). The trees are a necessity to block the high winds which have wreaked havoc on our house. In order for trees or any other land scaping beyond the build circle to survive we will need water to be brought to the rest of the 2.5 acre property past the build circle. So obtaining water rights and a POD on our property will be crucial to achieving this landscaping. Additionally to not having access to the POD it seems according to my reading of paragraph 12 even though the property hasn't been irrigated in over 5 years we should still be able to obtain water rights since there has been no third party claim of right.

TITLE 42

IRRIGATION AND DRAINAGE — WATER RIGHTS AND RECLAMATION

CHAPTER 2

APPROPRIATION OF WATER — PERMITS, CERTIFICATES, AND LICENSES — SURVEY

42-223. EXCEPTIONS OR DEFENSES TO FORFEITURE. Paragraph (12) states

No portion of any water right shall be lost or forfeited for nonuse if, after the five (5) year period of nonuse, use of the water is resumed prior to a claim of right by a third party.

Sincerely,
Patricia Calamusa

[Sent from the all new AOL app for iOS](#)

On Wednesday, July 15, 2026, 9:06 AM, McKenna Webster <mckenna.webster@idwr.idaho.gov> wrote:

Good morning,

Here is a link to the Idaho Code regarding [Defenses to Forfeiture](#); 42-223 (6) might be the most relevant defense in your case but do take the time to read all of them.

I also have included a copy of Stuart Cook's defense to forfeiture for you to reference.

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
Sent: Tuesday, July 14, 2026 10:50 AM
To: pjdobies182@aol.com <pjdobies182@aol.com>
Subject: Application for Transfer

Good morning,

I am reviewing your Application for Transfer and have been looking at aerial imagery of the place of use. It looks pretty dry. Could you fill me in on the irrigation situation? Information about the irrigation system and how often it is irrigated would be great.

Best Regards

McKenna Webster | Water Resource Agent

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