

MEMORANDUM

DATE: 9/23/2026
FROM: Christopher Holmes, Water Resources Supervisor
TO: Memo to File
RE: BRBA Claim Review for 11-442 and 11-2003



Decreed water right 11-442 does not have a descriptive backfile related to the historical characteristics of the water right. The backfile for license 11-2003 describes the diversion system including dam, ditches, and (wind)mill/pump. A map of the delivery system is included in the backfile but is difficult to read. The reviewer during the historical field examination stated the pump system was not operating but confirmed its existence and water delivery through dam/ditch was active. While the number of acres are not described on the surface of the license, the field examiner confirmed 35 acres of irrigation occurring which matches the department standard diversion rate that was licensed.

An application for transfer 71090 was filed in 2004 for both 11-442 and 11-2003. The purpose was to move the point of diversion, upgrade to sprinkle irrigation system, and move the place of use to irrigate better ground. The decree for water right 11-442 described the point of diversion in the NW of Section 13 and the license for 11-2003 described the point of diversion in the SESE of Section 14, while the transfer application leaves out a legal description for where the current point(s) of diversion are located aside from the proof reports which are included as attachments to the transfer. A portion of the original water rights are stated to remain unchanged totaling .19cfs and 10.2 acres from a diversion in the NWNESW of Section 13. The unchanged portion described does not match either of the water rights and there is no explanation for this difference. The transfer application sought to move/add a point of diversion in the SWNW of Section 24.

The water master opposed the transfer approval stating that the water right was only used 2 of the last 10 years (dated 2004) and the existing point of diversion at the time only has water physically available in the early season and the new point of diversion described in the transfer

would allow year-round water access which would impact downstream senior water right holders. In addition, 3 protests and a petition to intervene were received generally stating the same concerns that water is not available at the present point of diversion, the use has not occurred and warrants forfeiture, and approval of the transfer would hurt other water users. The fact that assessment fees were not paid to the water district are included in the protest but not necessary relevant to the BRBA review. The transfer application was withdrawn the following year and the water rights remain unchanged.

Water district water delivery records show that Kendall Presbytery has not been delivered water since 2004. Prior to 2004 the claimant did not own the water right and the change in ownership included in the water right backfile lists the former owners as Margarita and John Schmidt (deceased). These names do not appear in the water district delivery records. Water district annual meeting minutes dated March 1, 2005 state that "... continue working on a system to measure water at the Presbyterian Kindell/Hilda Thompson Ranch." This leads to the conclusion that the claimant's water right is connected to the Hilda Thompson Ranch water delivery records. Hilda Thompson Ranch delivery records end the same year the claimant's records begins. The last year water was delivered to Hilda Thompson is 2000 according to water district daily delivery records.

An agent at the Preston Field Office assisted the claimant in filing the BRBA claims in 2025. The claimant was unable to describe a point of diversion, diversion works system, or land irrigated from a delivery system. Instead, the claimant repetitively described the system as natural sub-irrigation. The agent assisted the claimant in filing the claim how they wished the claim to describe all characteristics of the water right. The claims describe total acres irrigated as 827.9 where the max irrigated acres described in the backfile is 195 acres. No explanation was included in the claim for this discrepancy. The transfer application described 149.8 acres to be transferred and 10.2 acres remaining unchanged totaling 160 acres.

The BRBA recommendation for water right claims 11-442 and 11-2003 is forfeiture due to non-use from 2001 to 2024. In addition to this forfeiture analysis, the description of diversion works as natural sub-irrigation is not a recognized diversion system for irrigation and further supports forfeiture of a developed water delivery system for the decree and licensed water rights.