



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

March 24, 2010

ADTD Farms LLC
246 E 300 S
Burley, ID 83318

Gentlemen:

The Department has recently started the preliminary review of water right transfer application, # 76323, that was filed in the name of ADTD Farms LLC on March 2, 2010. As you recall, the application describes how the land under water rights 43-2366A, 43-2375A & 43-2555A has been irrigated since 2004 and your desire to make these acres legal. During the review of the application it was noted that there was no proof of ownership that the applicant, ADTD Farms LLC, actually owns the water rights involved with the transfer and the land where the new permissible place of use is located. The county tax lot data available to the department indicates that the land involved with the transfer may be owned by Midway Dairy LLC and ADT Farms LLC not ADTD Farms LLC.

For applications that propose changing the place of use of a water right, the applicant not only needs to show that they own the right involved with the transfer &/or the land to which it is appurtenant, but they must also show that they own the land where they are proposing to move the water right to. If the land is owned by a party other than the applicant, then the applicant must have some sort of documentation from the current owner of the land allowing the applicant to move the water right(s) to their land. In addition, documentation must be included that addresses the ownership of the right(s) on the land. The documentation must clearly address the issue of whether the applicant will retain ownership of the right(s) on someone else's land, or whether the land owner will own the right(s) once the transfer is approved.

The Department will delay the processing of transfer application #76323 for 30 days to allow you to submit information indicating the applicant, ADTD Farms LLC has legal authority &/or permission to move water rights 43-2366A, 43-2375A & 43-2555A to the previously mentioned lands. If adequate information is provided, then the Department will proceed with the processing of transfer application # 76323. If information is not received in 30 days we will return the application and initiate a refund for the filing fee.

Sincerely,

Jana Reeder
Senior Water Resource Agent