



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

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C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

February 18, 2010

Norman Semanko Atty
Barker Rosholt & Simpson LLP
PO Box 2139
Boise ID 83701

RE: Application for Transfer #73789—Elk Creek Canyon LLC

Gentlemen:

Our office is in the process of cataloging/reviewing active transfer applications in our files. Our review of the above application revealed a letter from Attorney Meier, see attached.

In order for our agency to consider an application complete and ready to process, the applicant must provide documentation that they possess the authority to file a transfer proposing the water right element changes. The documentation can include deeds, title policy, and contracts of sales or options for purchase. Please provide the following relating to the above transfer application #73789:

- Provide current documentation and status that grants Elk Creek Canyon LLC authority to file the transfer application.

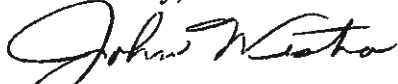
- Address the 3rd paragraph in the Meier letter:

Therefore, the final purpose of this letter is to advise you that the owner of these water rights Carl F. Reynolds and Sons, does not authorize the transfer of these water rights, the change of the point of diversion, the change of the nature of use, or the change of the place of use unless and until this Applicant has fully consummated and closed on its contract with Carl F Reynolds & Sons.....

In order for the transfer application to retain an active status, the above information should be received by our office on or before **April 1, 2010**. An untimely response may result in the transfer application ordered rejected. An application withdrawal form is enclosed should you desire to withdraw the application.

Should you have questions, please contact me at the Western Regional Office, 208-334-2190.

Sincerely,



John Westra, Manager

Enclosure: Meier Letter, withdrawal form

Cc: J. Meier, S. Reynolds