



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

June 18, 2009

Greg Sullivan
Brockway Engineering
2016 North Washington Street
Suite 4
Twin Falls, Idaho 83301

Re: Si-Ellen Dairy Transfer 75531 (36-2264E)

Dear Mr. Sullivan

As you recall, you filed an application for transfer in the name of Si Ellen Dairy involving a proposed change in the point of diversion and place of use of water right 36-2264E. For any application for transfer, the department must have sufficient information to determine that the applicant has the authority to seek the proposed change in use of the water right(s). According to our records, Si Ellen Dairy is listed as the current owner of water right 36-2264E. However, according to county tax lot information, Roth Investments LLC is the owner of the current and proposed places of use of water right 36-2264E. Further documentation of the association between Si Ellen Dairy and Roth Investments is needed to clarify this discrepancy.

If the application for transfer proposes to change the place of use authorized under the water right(s) the applicant must provide proof of ownership of the proposed place of use. **Note that no ownership documentation of the proposed place of use was included with the application.** If the applicant does not own the land at the proposed new place of use, then the applicant must provide documentation that authorizes the change on behalf of the current owner of the new place of use.

If the application for transfer is in the name of a corporation, partnership, joint venture, association, or other business entity, department staff must verify the organization is a viable and legally recognizable entity. I conducted a Business Entity Search via the Idaho Secretary of State's website. **This search appeared to indicate that Si Ellen Dairy is not registered as a business entity in the State of Idaho.** The intent of this search is to insure that the organization is properly identified, including identification of individuals with signature authority and responsibility to conduct the organizations activity.

Page 2 Si Ellen Dairy Transfer
Greg Sullivan
Brockway Engineering

The application for transfer must include the signature of the applicant or the applicant's authorized representative. The current application is signed by Charles Brockway via power of attorney for Mike Roth general partner- Si Ellen Dairy with no documentation that Mike Roth has authority to sign on behalf of Si Ellen Dairy or that Si Ellen Dairy is a viable and legally recognizable entity.

The Department will hold processing of transfer application # 75531 for 30 days to allow for the submittal of the information necessary to process transfer application # 75531. After that time, if adequate information is not received, the Department will initiate the issuance of an order rejecting transfer application # 75531, since the Department cannot ascertain if the applicant has authority to file the application.

If you have any questions, or need any further assistance, feel free to contact this office at your convenience.

Sincerely,



Benny Walker
Water Resource Agent

Cc: Mike Roth, Si Ellen Dairy