



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

January 18, 2008

Charles G. Brockway
Brockway Engineering
2016 N Washington Street
Suite 4
Twin Falls, ID 83301

Dear Mr. Brockway:

As you recall, you recently submitted a water right transfer application, in the name of the Catherine S. Dawson Revocable Trust, to our office. The transfer proposes changing the point of diversion of right 37-276F from a point on the Big Wood River to a nearby well. I have had the opportunity to review this application and discuss it with the Water Rights Section in our state office. There are a couple of items that need to be addressed in order for the Department to process the application....

- **Change in Source.** The application proposes a change in source from the Big Wood River to groundwater. For a change in source to be approved, the applicant must show that the two sources have a direct and immediate hydraulic connection (at least 50 percent depletion in original source from depletion at the proposed point of diversion in one day). Your cover letter that accompanied the application mentions the "Burdick transfer" that resulted in water right 37-20616. Examination of this particular transfer indicated that an analysis was included with the application to satisfy the change in source analysis requirement.
- **Ownership and overlapping rights.** Your cover letter indicates that rights 37-7786 and 37-8574 apparently overlap with the place of use of right 37-276F. It also appears that these two rights are apparently diverted from the same existing well that is proposed to be used as the new point of diversion for right 37-276F. Examination of Department records indicates that rights 37-7786 and 37-8574 are in names different than the Catherine S. Dawson Revocable Trust. Furthermore it appears the ownership of right 37-276F was updated via a quitclaim deed that conveyed only the water right and not any land. The Department requests your cooperation in addressing the ownership questions and nature of the overlap between rights 37-276F, 37-7786, and 37-8574. This can be accomplished by

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providing chain of title (copies of deeds) from the recorded owners of the rights to the Catherine S. Dawson Revocable Trust for the property involved in the transfer. It also appears that rights 37-7786 and 37-8574 should be included in the transfer application in order to update the ownership and clarify the overlap (via conditions and perhaps place of use adjustments).

As currently filed, the Department cannot process the transfer application due to the change in source and the ownership and overlap issues. **Please address these items within 30 days or the Department will return the application and initiate a refund of the filing fee.** If you have any questions, feel free to contact me at your convenience.

Sincerely,

A handwritten signature in black ink, appearing to read "Corey Skinner", written in a cursive style.

Corey Skinner, PE
Water Resource Engineer