



State of Idaho

DEPARTMENT OF WATER RESOURCES

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GOVERNOR

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November 5, 1998

Mike Felton Jr.
Felton & Felton
PO Box 589
Buhl, ID
83316

RE: App. for Transfer, Box Canyon Dairy

Dear Mike;

In my review of this application, a major problem has been discovered. Right 36-02535 covers land in Sec. 15 & 22 T. 8S R. 14E. While the application proposes to move water from the NW/NW Sec. 22, the applicant sold this land two years ago to Sand Springs Ranch. Although this land is part of the decreed place of use, I was told that the well was never used here. But the right is appurtenant to this land under the principal of res judicata, so we need to address this ownership problem. Unless this right was specifically withheld in the deed of sale, Box Canyon Dairy cannot transfer the water off of it. If the water was not withheld, a quitclaim deed from the present owner (Don McFarland, I think) to Box Canyon should solve this problem. We will also need the deed to Sand Springs Ranch, and one from them to McFarland.

I will hold this application until this problem is resolved.

Regards,

James E. Stanton
Sr. Water Resource Agent