State of Idaho
DEPARTMENT OF WATER RESOURCES
1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380
Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

JAMES E. RISCH
Governor

KARL J. DREHER
Director

August 23, 2006

Zach Latham
Brockway Engineering
2016 N Washington St
Suite 4
Twin Falls, ID 83301

Dear Mr. Latham:

Please find enclosed a packet of two transfer applications in the name of Cynthia and/or Kent Forgeon and a packet of four transfer applications in the name of Alonzo B. Leavell that were recently filed with our office. Also enclosed are two checks, Brockway Engineering check # 6507 for $100.00 and Brockway Engineering check # 6508 for $700.00, that were included with the applications. The applications are being returned due to insufficient filing fees and deficiencies with the applications. As currently proposed, the six transfer applications would require total filing fees of $1050.00 ($350 for the two Forgeon applications and $700.00 for the four Leavell applications).

The two applications filed in the name of Cynthia and/or Kent Forgeon appear to have ownership issues. Both applications propose modifying portions of right 37-7446. Previously, IDWR records incorrectly reflected only Cynthia and Kent Forgeon as the owners of this right. However, examination of the deeds conveying the right and property from the previous owner, James Cimino, reveals that Cynthia and Kent Forgeon and the 1995 Ralph K. and B. Patricia Forgeon Revocable Trust are the actual owners of right 37-7446. IDWR has updated the ownership of right 37-7446 to reflect Cynthia and Kent Forgeon and the 1995 Ralph K. and B. Patricia Forgeon Revocable Trust as the actual owners of right 37-7446.

The application that proposes transferring a 3.0-acre portion of right 37-7446 to the 10 acre permissible place of use consisting of the four lot Griffin Butte Subdivision has an ownership issue that needs to be addressed, or at a minimum clarified before IDWR can process the transfer. As previously indicated, Cynthia and Kent Forgeon and the 1995 Ralph K. and B. Patricia Forgeon Revocable Trust own water right 37-7446. Since the transfer proposes changing the place of use to a permissible place of use consisting of the

four lots within Griffin Butte Subdivision, the ownership of the right being transferred could, and probably would, be changed to the owner(s) of the four lots. A quitclaim deed included with the application indicates that the Ralph K. and B. Patricia Forgeon Revocable Trust obtained the land consisting of the four lots in 1995. Another quitclaim deed, signed in 1996, conveys Lot 1 of the Griffin Butte Subdivision to Ralph Kent Forgeon III (I assume Kent Forgeon?) and Cynthia Forgeon. There is a signed document included with the application indicating that Randy and Belinda Forgeon own lot 3A and agree to the proposed transfer. However, there was no proof of ownership included with the application indicating that Randy and Belinda Forgeon actually own any of the lots. The following information needs to be submitted to accompany the application....

- **Some sort of proof of ownership, preferably a deed, showing that Randy and Belinda Forgeon own lot 3A.**
- **Something that clarifies that Ralph Kent Forgeon III is Kent Forgeon.**

If these items are submitted, then the Department could approve the application that proposes transferring a 3.0-acre portion of right 37-7446 with Cynthia and Kent Forgeon and the 1995 Ralph K. and B. Patricia Forgeon Revocable Trust and Randy and Belinda Forgeon listed as owners of the transferred 3.0-acre portion of right 37-7446. However, if the intent of the application is for just Cynthia and Kent Forgeon and the 1995 Ralph K. and B. Patricia Forgeon Revocable Trust to own the transferred 3.0-acre portion of right 37-7446, or if Ralph Kent Forgeon III and Kent Forgeon are different individuals, then additional documents need to be submitted or perhaps the application should be modified. If needed, we can discuss what may be required to address these possibilities.

With regards to the application that proposes transferring the remaining 24.0-acre portion of right 37-7446, as previously indicated, Cynthia **and** Kent Forgeon **and** the 1995 Ralph K. and B. Patricia Forgeon Revocable Trust own right 37-7446. This means that a transfer application proposing changes to this right **needs to be signed** by Cynthia and Kent Forgeon **and a representative of the 1995 Ralph K. and B. Patricia Forgeon Revocable Trust.** *Note that this requirement is waived for the application that proposes transferring a 3.0-acre portion of right 37-7446 since a statement agreeing to the transfer signed by the trustees of the 1995 Ralph K. and B. Patricia Forgeon Revocable Trust was submitted with the application.*

A brief review of the four transfer applications submitted in the name of Alonzo B. Leavell revealed a couple of items worth noting. One of which relates to the lack of any proof of ownership of the new (proposed) place(s) of use. **Information needs to be provided showing that the applicant (Alonzo B. Leavell) owns the new (proposed) place(s) of use.** The other item relates to the new place(s) of use consisting of proposed subdivisions. For example, one of the applications proposes transferring a 15.5-acre portion of right 37-7385B into a 21.6-acre permissible place of use with nine different wells listed as points of diversion. Question 6a of Part 1 of the application (2nd page) indicates, *"Each of the 9 lots within the proposed subdivision will have its own well (POD) and irrigation system"*. Typically, a transfer application is required per system, and it appears that this particular application is being filed when nine individual transfer applications could be filed. Similarly, the application proposing transferring the 2.3-acre portion of right 37-7385B appears to be being filed when three individual transfer applications could be filed. Other than the additional filing fees, and cost of preparing the additional applications, this could help the applicant, assuming individual wells & lots (systems) are sold and conveyed to new owners at some point in the future. As currently proposed, additional analysis and document preparation will be required in the future whenever a particular well & lot (system) is sold and conveyed to a new owner *(i.e. breaking apart the PPUs proposed by these transfers)*. This would require relatively complex ownership changes, in particular very clear and specific deed preparation relating to portions of a PPU and detailing specific wells, or perhaps even additional transfer applications.

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

Sincerely,

Corey Skinner, PE
Water Resource Engineer

Enclosures