

Nelson, Dan

From: Peppersack, Jeff
Sent: Friday, December 30, 2005 12:35 PM
To: Nelson, Dan
Subject: RE: Sundance Farms Transfer

Hi Dan,

The issue has not been resolved at this time. My preference would be to continue to hold, rather than reject it. As an alternative, you could send a letter inquiring about their intentions to resolve the ownership issue (no time period or other ultimatums necessary yet).

Jeff

-----Original Message-----

From: Nelson, Dan
Sent: Thursday, December 29, 2005 1:52 PM
To: Peppersack, Jeff
Subject: Sundance Farms Transfer

Hello Jeff,

In May of 2004 we received a transfer for Sundance Investment LTD. There were some issues concerning the ownership of the water right for this transfer between Sundance Investments and Darwin McKay. On 11/8/2004 I sent a letter per your instruction to request information that showed they had the legal authority to file a transfer on water right 63-31194. They were required to produce this information by 5/8/2005. We discussed this issue by email from June 24 to June 28, 2005, and I agreed to hold the files for another 6 months. My computer call up on this transfer came up, and I haven't heard if these issues have been resolved.

This transfer was involved with a another transfer by Darwin McKay. Mr. McKay withdrew his application on August 17, 2005, but I haven't received anything concerning the Sundance Investments application.

We have held this file for a year and a half, so I am inclined to reject it, since we haven't received the necessary ownership information. However, I don't want to do that if you are still working on the ownership stuff. Therefore, I will leave it up to you. Do you want to reject this transfer, or do want me to put it back into the hold drawer for another 6 months? What ever you decide will be acceptable to us. We could also write another letter giving them 14 days to come up with the information.

Dan Nelson
Western Region

Nelson, Dan

From: Nelson, Dan
Sent: Tuesday, June 28, 2005 10:30 AM
To: Peppersack, Jeff
Subject: RE: McKay and Sundance Investment LTD transfers.

Hi Jeff,

This sounds good to me. I will hold the files for another 6 months.

Dan

-----Original Message-----

From: Peppersack, Jeff
Sent: Tuesday, June 28, 2005 10:02 AM
To: Nelson, Dan
Subject: RE: McKay and Sundance Investment LTD transfers.

Hi Dan,

I've had a couple of calls from the parties and it seems there is still disagreement on ownership that needs to be resolved. IDWR is basically standing back until someone can come forward with undisputed evidence of ownership. I recommend holding.

Jeff

-----Original Message-----

From: Nelson, Dan
Sent: Friday, June 24, 2005 2:34 PM
To: Peppersack, Jeff
Subject: McKay and Sundance Investment LTD transfers.

Hello Jeff,

My calendar called up two transfers that I have been holding while ownership issues are being resolved. The dispute dealt with an ownership issue between Sundance Investments (WR # 63-31194) and Darwin McKay (WR # 63-10666D). If my memory serves me correctly, you told me that McKay had filed a complaint or protest against the change of ownership for Sundance Investments. You took copies of all of the ownership documentation submitted with the transfer with you. You asked me to send a letter to ask for proof on both of these transfers that they had the legal authority to transfer the water right.

I sent the letters on 11/8/2004. I have scanned the letters that I sent for you to review. I haven't received anything from either party, although they may have submitted it to the State Office and I didn't get a copy. I am willing to return the applications as stated in the letter, but I don't want to do that until I am sure that the information hasn't been submitted.

I also don't want to step on toes in your office, if you are still pursuing the ownership issues. It might be best to continue to hold the applications, if they are still being processed in your office. I also wouldn't object to returning them. What ever needs to be done, I can do. I am just not sure what to do at this point.

Thank you.

Dan Nelson