



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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

July 11, 2005

Brent Funk
2786B Rock Creek Road
Hansen, ID 83334

Dear Mr. Funk:

As you recall, last fall you filed several water right transfer applications involving rights appurtenant to the East ½ of Section 31, Township 11 South, Range 19 East in Twin Falls County. The applications involved transferring 23.5 acres of irrigation rights to provide approximately 28.5 acre-feet of additional water per year for a dairy facility on the property.

Last week, it came to my attention that the Department recently processed an ownership change involving the rights involved with the transfer applications based on a warranty deed signed on July 2nd, 2004 conveying the property and appurtenances (water rights) from you to Luis and Sharon Bettencourt. The pending transfer applications, which were signed by you on September 3rd, 2004, were submitted to IDWR on October 4, 2004. It currently appears that you are filing transfer applications involving rights and property that you sold prior to signing and submitting the transfer applications. Based on information currently before the Department, we cannot approve the applications because the applicant does not have authority to file the applications (you don't own the rights being transferred).

However, I assume that Mr. and Mrs. Bettencourt have an interest in the pending applications and desire to have the applications processed as currently proposed. If this is the case, you need to execute an assignment conveying your interest in the applications to Mr. and Mrs. Bettencourt. In addition, Mr. and Mrs. Bettencourt need to submit a signed statement indicating that they desire to have the pending applications processed as currently proposed. I have enclosed a document if signed by you and Mr. and Mrs. Bettencourt would allow us to process the applications as currently proposed, and if eventually approved, we could issue the approvals in the name of Mr. and Mrs. Bettencourt.

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If you and/or Mr. and Mrs. Bettencourt do not desire to have the applications processed as currently proposed, you need to withdraw the applications. Note that this will result in no change to the rights, and they will remain as recorded, subject to SRBA review, when Mr. and Mrs. Bettencourt obtained the property on July 2nd, 2004. I have also included a copy of a form that if signed and submitted by you, will result in the pending applications being considered as withdrawn.

Please note that if no response is received within 21 days of the date of this letter, the Department will return the applications without further processing due to your (the applicant) lack of ownership of the rights being transferred.

If you have any questions, or if I can be of any further assistance, feel free to contact me at your convenience.

Sincerely,

A handwritten signature in black ink, appearing to read "Corey Skinner", with a stylized flourish at the end.

Corey Skinner, PE
Water Resource Engineer

Enclosures

cc: Luis and Sharon Bettencourt
Brockway Engineering