



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

June 24, 2005

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

JOYCE PEARSON
C/O NATHAN JONES
2240E MAPLE DRIVE
KING HILL ID 83633

***RE: APPLICATION FOR TRANSFER WATER RIGHTS 61-371A AND
61-372***

Dear Mr. Jones:

Due to the urgency in completing this transfer, I have tried several times to contact you by telephone regarding the application for transfer for Joyce Pearson. There are several issues that prevent processing of this transfer. Processing of this transfer cannot begin until the transfer is properly completed. I had hoped that we could set an appointment to go over the transfer and get it into acceptable condition. Unfortunately, my calls were not returned, so I am sending this letter in hopes that the following steps are taken:

- 1.) This transfer was completed in pencil. Although we will not reject a transfer completed in pencil, it is not recommended to complete any legal document in pencil or erasable ink. I recommend that you re-fill out the transfer using an permanent ink pen.
- 2.) Nathan Jones signed the transfer. Joyce Pearson is the only name on the transfer, the only name on the ownership documentation, and the only name on the current water rights. Therefore, we cannot accept a transfer signed by anyone other than Ms. Pearson, unless Ms. Pearson legally assigns power of attorney over to Mr. Jones to sign the application for her.
- 3.) The original water right has two points of diversion. There is a point of diversion on either side of the creek. The application for transfer only shows a single point of diversion. If this transfer were approved, you would be required to abandon the point of diversion on the east side of Little Canyon Creek and only use the point of diversion on the west side of Little Canyon Creek. My knowledge of this area, and the research of the file suggests that the second point of diversion was left off in error.

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Pearson

I am returning the application for transfer for corrections. I am also including a list of consultants who work with individuals to ensure their transfers are properly completed. I am available if you wish to meet with me to go over this transfer. I understand that there is some urgency in getting this transfer through the process, so I strongly recommend that you call and set up an appointment with me or contact a consultant to work through the transfer with you as soon as possible. I will do everything within my power to assist you.

You state in your transfer application that a neighbor removed your ditch. The law does not allow you to divert water from any point of diversion not officially listed on your water rights until this transfer is approved. Any attempt to do so could result in fines and penalties issued by this office. Submitting this transfer in no way gives you the right to use another point of diversion. If your neighbor has re-installed the ditch, and this transfer is no longer needed. Please send me a written request to withdraw the transfer application.

The Department will hold further processing of your application until 7/24/2005 to allow submittal of the required information. Additional time may be granted by the Department upon receipt of a written request and sufficient justification for an extension. After that time, if adequate information is not received, the Department will issue a preliminary order to reject or deny the application.

If you have any questions or concerns please contact me at the above address.

Respectfully,



Daniel A. Nelson
Sr. Water Right Agent

cc Joyce Pearson – Hailey Address

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