



State of Idaho

DEPARTMENT OF WATER RESOURCES

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SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

July 27, 2005

GARY FUNDERBURG
C/O TSK ENTERPRIZES
255 BLUE LAKES BLVD N
PMB 617
TWIN FALLS ID 83301

RE: Transfer #72152 – Hill Top Dairy/Vanderham

Dear Gary,

As you know, Hill Top Dairy c/o Vanderhams filed this transfer. Deeds were submitted showing the Vanderhams have deeded the property over to Hill Top Dairy and the Gooding County tax lot information confirms the ownership. When I checked the Secretary of State's page, however, I found that Hill Top Dairy is not a registered entity to do business in the State of Idaho.

According to Item 6 on page 16 of the Transfer Processing Memo:

(6) Corporation, Partnership, Joint Venture, or other Business Entity. If the application for transfer is in the name of a corporation, partnership, joint venture, or other business entity, department staff must verify that the entity is authorized to do business in the State of Idaho by completing a Business Entity Status Search at: <http://www.idsos.state.id.us/>. If the Business Entity Status Search does not confirm that the corporation, partnership, joint venture, or other business entity is authorized to do business in the State of Idaho, department staff is to request further clarification from the applicant.

In order for the Department to complete processing and approval of this transfer, Hill Top Dairy must register with the Secretary of State of Idaho. Feel free to call if you have any questions.

Sincerely,

Jeanie Robertson
Sr. Water Resource Agent

the proposed place of use in instances where evidence of such authority is necessary.

- (4) Conditions on Associated Rights. If an application for transfer proposes a change from or to a system where there is an associated water right that is not listed on the application as a right being transferred, a change to conditions for that right is required, and the right is not owned by the applicant, then the applicant must provide documentation authorizing the change on behalf of the current owner of the associated right.
- (5) Authority to Sign on Behalf of an Applicant. If the application for transfer is signed by someone other than the applicant(s) as listed on the application, documentation is needed to establish that the signatory is a representative of the applicant and is authorized to sign on the applicant's behalf. The documentation can be a copy of a current "power of attorney" authorizing signature on behalf of the applicant, or other similar documentation. An application could also be signed by an officer of a corporation or company, an elected official of a municipality, or any individual authorized by an organization to sign the application for a corporation, company, or municipality (if accompanied by documentation confirming authorization). The signatory's title must be shown with the signature.
- (6) Corporation, Partnership, Joint Venture, or other Business Entity. If the application for transfer is in the name of a corporation, partnership, joint venture, or other business entity, department staff must verify that the entity is authorized to do business in the State of Idaho by completing a Business Entity Status Search at: <http://www.idsos.state.id.us/>. If the Business Entity Status Search does not confirm that the corporation, partnership, joint venture, or other business entity is authorized to do business in the State of Idaho, department staff is to request further clarification from the applicant.
- (7) Approval of Irrigation Entity or Legislature. Section 42-108, *Idaho Code*, requires that if the right(s), diversion works, or irrigation system is represented by shares in a corporation, or owned by an irrigation district, no change can be made without the consent of such corporation or irrigation district. This includes the use of such right(s), diversion works, or irrigation system for mitigation purposes related to a proposed transfer. Any permanent or temporary change in period of use or nature of use, in or out-of-state, involving a quantity of water greater than fifty (50) cfs or a storage volume greater than five thousand (5,000) acre-feet must also be approved by the legislature if approved by the department, except that any temporary change within the State of Idaho for a period of less than three (3) years does not require legislative approval.