



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

June 30, 2004

James R. Bennetts, Attorney
PO Box 36
Challis, ID 83226-0036

RE: Application For Transfer Filed In The Names of Gerald D. & Kathryn S Herrick Estates

Dear Mr. Bennetts;

I have started to review this application, and have some questions. Should the applicant be the estates, or should it be High Mountain Ranches LLP? If it should be the LLP, I see from their check that this entity has a different mailing address than what is shown on the application. Either way, we need documentation showing the right of Tracy Walther to sign the transfer. If High Mountain Ranches now owns this property, we documentation to show this.

Is this property subject to any liens, deeds of trust, mortgages or contracts? This question was not answered on the application. If there is a lienholder or other party with a financial interest in the property (other than the applicant), we need a letter from them agreeing to the proposed transfer. The letter should be on their letterhead, and must have a notarized signature from a representative of the interested party.

Your cover letter mentions that the applicant does not want the stockwater portion of Right 72-4089 to be affected by this transfer. I think the only way to accomplish this is to reduce the irrigation portion so that the stockwater portion of the right is represented by actual water. With no separate flow or annual diversion volume allowed for livestock, there is no "real" water to hold back. But since the transfer keeps the existing river diversion, it does not appear necessary to split off the stockwater use in order for it continue as it always has.

I will ask our hydrology section in Boise to review the document submitted by your engineer to determine if there is sufficient data for us to consider approval of the additional diversion point.

Please respond by July 30, 2004, so that processing of this application can continue. Once we receive the required information, the application will be entered into our database so that the full file can be reviewed by our Boise office prior to advertising.

Regards,

James E. Stanton
Sr. Water Resource Agent