



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

April 29, 2004

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

BERNARD L BROWN
655 E 19 N
MOUNTAIN HOME ID 83647

**RE: APPLICATION FOR TRANSFER FOR WATER RIGHTS
61-7119, 61-7005, 61-7396, 61-10378, 61-2154, AND 61-2155**

Dear Mr. Brown:

We received your application for transfer for the above-mentioned water rights. Processing of this transfer must be delayed until ownership of the water rights has been clarified. Water right 61-7119 was licensed on land you leased in the SW ¼ of Section 18, Township 4 South, Range 6 East. The lease agreement you provided does not specifically discuss this water right. The lease agreement also does not discuss your ability to move the water off of this property without the owner's permission. Since a water right is appurtenant to the ground where it is used, the owner of the property would need to give their consent to move the water right away from their property.

Therefore, our office will need a notice from the owner or other legal documentation showing that you have the authority to move the water from this portion of ground. If you do not have the authority to move the water from this ground, then you will need to revise your transfer to show that water right 61-7119 will be split, with only your proportionate share being included on the transfer. If the water right is split, a proportionate share of the water right will remain in the SW ¼ of Section 18. The current owner of that ground would then need to file a change of ownership showing they own that portion of the water right.

The Department will hold further processing of your application for 30 days 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