



Close

From: Payne, Barbara
To: McHugh, Candice
Cc: Bird, Cindy
Subject: Blackfoot Younie Ditch Company
Sent: 8/3/2005 11:46 AM

Importance: Normal

Hi Candice,

We received a bunch of "assignments" from the Blackfoot Younie Ditch Company (Claim is Younie Ditch Company 27-17 and 27-29A). I have made an analysis of the information from the list Claimant provided in May 2005 to the assignments they sent. They apparently used two different forms but similar. When I was comparing the names and addresses, I was very lack in the names being exactly the same, i.e., Robert instead of Bob. When I couldn't match up the Assignment to the list by the name, I used the address to match up.

On the attached Excel spreadsheet, the column headings are:

Shareholder's Name -- the name came off the May list
Assignment Name -- the name is what appeared on the Assignment
Shareholder's Address -- I only listed the street name from the May list
Assignment Address -- The address listed on the individual assignments
S/H # -- the number of shares listed on the May list
Assign. # -- the number of shares listed on the Assignment
Certificate # -- on the Assignment

Questions:

1. Some of the assignments didn't specify number of shares but included the number of lots. A pattern may be 1/2 share to 1 lot. Some of the shares are in fractions. One didn't have any number. I guess we need to ask Claimant for a clarification. Direction, please.
2. Some of the shareholder's on the May list did not provide an Assignment. Do we ask for the missing documents?

The total number of shares listed on the May list is 134.2. The number from the assignments is 134.49 PLUS the ones that are not added in because of pending questions.

If you desire we can send these Assignments to IF on Tuesday and have then scanned for your access.

I will wait to hear from you before writing the claimant. Thanks for your review.

Barbara -

 [shareholder analysis.xls](#)

[Close](#)

From: Bird, Cindy
To: Payne, Barbara
Cc:
Subject: Blackfoot Younie Ditch
Sent: 5/11/2005 3:28 PM

Importance: Normal

good afternoon Barbara,
I hope all is well is soda. We discussed the Blackfoot Younie Ditch claims. What we need from the ditch company is to get a copy of all of the assignments from all of the people on the list before we can recommend the rights to the ditch company. Please send Ron Murray a letter to that affect. Claim numbers 27-17 and 29A. If you have any questions you can get a hold of me in I.F. or soda next week. Have a great w/e.

Cindy

Bird, Cindy

From: McHugh, Candice
Sent: Monday, May 09, 2005 1:24 PM
To: Bird, Cindy
Cc: Carlsen, Ernie
Subject: RE: Younie Ditch Company

It still doesn't accomplish changing the water rights from the individuals to the ditch company . . . how did the ditch company become the owners of the water right(s)? That's the reason we're disallowing the claim. Perhaps we can discuss this on Wednesday in Idaho Falls.

See you then!

Candice

-----Original Message-----

From: Bird, Cindy
Sent: Monday, May 09, 2005 12:36 PM
To: McHugh, Candice
Subject: RE: Younie Ditch Company

The individuals haven't filed on their water in the SRBA only Younie Ditch Co. filed on the water. In the adjudication process the Younie Ditch company found out that there is already a Younie Ditch Company that operates in the area near Preston. So when they filed the corporate papers they are now the Blackfoot Younie Ditch Company. That is what the ownership form was for is to change it from Younie to Blackfoot Younie.

-----Original Message-----

From: McHugh, Candice
Sent: Monday, May 09, 2005 11:54 AM
To: Bird, Cindy
Subject: RE: Younie Ditch Company

I'm referring to the Department's change of ownership form that changes the name from the water right holder to the ditch company that needs to be completed for each water right. Barbara sent me an email indicating that she had sent out a form to be completed by the water right owners. The instructions to that form set forth what is needed to prove a change in ownership.

-----Original Message-----

From: Bird, Cindy
Sent: Monday, May 09, 2005 11:47 AM
To: McHugh, Candice
Subject: RE: Younie Ditch Company

Yes Judge Herdon is the Blackfoot District Court Judge. Are you referring to the ownership change form that changes the name from the Younie Ditch Company to the Blackfoot Younie Ditch Company or something else?

-----Original Message-----

From: McHugh, Candice
Sent: Monday, May 09, 2005 11:41 AM
To: Bird, Cindy
Cc: Carlsen, Ernie
Subject: RE: Younie Ditch Company

Yes, I received the articles of incorporation by fax. What is key is the deeds conveying the water rights which will be handled through the change of ownership process with attached deeds/assignments as required by the change of ownership form. At this point, there's not really anything to review until they submit the change of ownerships. I did note that the signatures on the assignment form they submitted

does not technically comply with the acknowledgements for conveyance of real property as required by Idaho Statute 55-710 but it's not my place to give them legal advice (Isn't one of them a former or current judge?).

-----Original Message-----

From: Bird, Cindy
Sent: Monday, May 09, 2005 11:33 AM
To: McHugh, Candice
Subject: Younie Ditch Company

Good morning Candice,
Did you get the fax from my office on the Younie Ditch? When do you think you will have the time to look over the paperwork?

thanks,
Cindy

-----Original Message-----

From: McHugh, Candice
Sent: Thursday, February 17, 2005 11:18 AM
To: Shaff, Don; Bird, Cindy
Subject: RE: Rem/Cond for Younie Ditch

Given the unique nature of this particular problem, I propose:

Disallowed -- lack of proof of ownership. Short and simple.

-----Original Message-----

From: Shaff, Don
Sent: Thursday, February 17, 2005 10:11 AM
To: McHugh, Candice; Bird, Cindy
Subject: RE: Rem/Cond for Younie Ditch

No, a specific remark referring to ownership has not been made as it is so unusual. I suggest you and Candice conspire to craft an ad hoc reason (General Remark) that would work. In my mind, no ownership boils down to No Lawful Appropriation Shown or Recommended as Right No. _____ presuming the land is served with water from a company ditch.

Don Shaff
don.shaff@idwr.idaho.gov
208-287-4921

-----Original Message-----

From: McHugh, Candice
Sent: Thursday, February 17, 2005 8:54 AM
To: Bird, Cindy
Cc: Shaff, Don
Subject: RE: Rem/Cond for Younie Ditch

No, I don't think so, but I've seen something similar before. I'm ccing Don for his input.

-----Original Message-----

From: Bird, Cindy
Sent: Wednesday, February 16, 2005 3:06 PM
To: McHugh, Candice
Subject: Rem/Cond for Younie Ditch

good morning,
I'm sure you will probably be reading this Thursday morning since you just left here a couple hours ago. It was nice to see you again. Your children are beautiful thanks for sharing.

I was looking through our remarks/conditions for the Disallowed remark that refers to the lack of proof of ownership that you referred to on the Younie Ditch. Do we have

a condition/remark with that language?

Cindy