

JUN 16 2021

IDAHO DEPARTMENT OF
WATER RESOURCES**Saxton, Craig**

From: Hersley, Jean
Sent: Wednesday, June 16, 2021 2:09 PM
To: Saxton, Craig
Subject: FW: water right claim 87-11619 Mengelkamp
Attachments: IDWR_letter.pdf; Mengelkamp_James_DeathCertificate.pdf; IDWR_rights_change.pdf; Mengelkamp_James_LettersTestamentary.pdf

From: Anthony Mengelkamp [mailto:anthonyconrad95@gmail.com]
Sent: Wednesday, June 16, 2021 1:02 PM
To: Dalgleish, Alex <Alex.Dalgleish@idwr.idaho.gov>
Subject: Re: water right claim 87-11619 Mengelkamp

Dear Alex-

I've nearly forgotten about this as I was overwhelmed with various responsibilities. I believe I still need to send to you the letter to add myself to the claim which I have included as a pdf here. Additionally, I included a scan of the letters testamentary appointing me as personal representative of my dad's estate and the death certificate. I also included the error notice and the correction form which I filled out in red as you have described. Before I mail it in I want to ensure I have it correct.

A few questions:

the yellow polygons and dots are a bit confusing - if the places of use are the ponds, and the polygons indicate the place of use - then why are the dots not inside the polygons?

The period of use is April 1 to October 31, however the livestock have the ability to reach these later than October 31. Should I make a change there as well, I'm not sure what the significance is for this type of use.

The stockwater use is listed for 50 cattle; would this be 50 individual animals, adult or otherwise, or does a cow/calf pair equal 1? Finally, there would have been a team of horses when this right was established. Is there a significance for listing only cattle on this right or is the type of livestock interchangeable (with the caveat that smaller livestock would consume less water?)

Thank you Alex. I am still in MA but will get to Idaho on Friday.
my phone is 208 310 6644

-Tony

On Tue, Feb 23, 2021 at 6:05 PM Dalgleish, Alex <Alex.Dalgleish@idwr.idaho.gov> wrote:

Hey Tony,

Being the representative and trustee of the estate/trust doesn't really affect the situation too much. I would recommend waiting to submit the ownership change until a time when the Trust is finalized. You'll want to submit documentation showing that you are the trustee with the ownership change. To clarify, you are correct that the claim should list the source as originally claimed (UNNAMED STREAM) and be amended to add STOCKWATER STORAGE to item 6 on the claim.

Yes, you can send the statement requesting to add you to the claim directly to me. This can be done by mail or by email. If by mail, you can send the document(s) to:

IDAHO DEPARTMENT OF WATER RESOURCES

C/O ALEX DALGLEISH
PO BOX 83720
BOISE ID 83720-0098

To clarify, you are correct that the claim should list the source as originally claimed (UNNAMED STREAM) and also be amended to add STOCKWATER STORAGE to item 6 on the claim.

On the map, the yellow dots represent the points of diversion, which are the ponds themselves. The place of use is represented by the yellow polygons. The places of use are the ponds themselves.

Best,

-Alex

From: Anthony Mengelkamp [mailto:anthonyconrad95@gmail.com]
Sent: Tuesday, February 23, 2021 3:25 PM
To: Dalglish, Alex <Alex.Dalglish@idwr.idaho.gov>
Subject: Re: water right claim 87-11619 Mengelkamp

Dear Alex-

If only things could be easy! We are all learning a lot this year.

I have a couple questions and clarifications:

Currently, the land is part of my father's estate and I am the personal representative and will also be the trustee - hopefully the trust will be sorted by early spring. As personal rep, does this make anything easier or we still need to do the change in ownership, at this point once the trust is established seems best.

In the meanwhile, can I send to you the written statement that my father has passed and to add me to the claim? If not, who does this go to?

To clarify: instead of striking out UNNAMED STREAM on the source, we will retain UNNAMED STREAM and add STOCKWATER STORAGE as a source too? Seems nearly comical when stockwater is all over the document as the use and description of use.

Also, I am looking now at the maps and see the yellow dot as the pond but am wondering what the place of use boundary indicates...it was filled out while on the phone with the department.

Stay well Alex,

-Tony

On Tue, Feb 23, 2021 at 4:46 PM Dalglish, Alex <Alex.Dalglish@idwr.idaho.gov> wrote:

Hey Tony,

I'm helping the Department's Adjudication section review and recommend these claims, so I'm constantly learning. As a result of this, I gave you incorrect advice on how to properly amend the claim. Apparently, there are a few issues with the amended claim.

First, the claim can only be amended by the applicant. In this case, I believe you stated that James was your father and he had recently passed away? Furthermore, if my memory is good, you stated that the land was going to be put into a family trust?

In order to change the ownership of this claim into someone else's name or the family trust, an ownership change form would need to be submitted to the Department. I have attached this form to the email for reference. Additionally, the ownership form must be accompanied by a conveyance document and a map of the water use. The conveyance document could be a death certificate showing that James has passed away.

If the trust is not set up yet or you're not sure who you want this water claim to be in the name of, the ownership change could wait until a time when that information is known. In the meantime, you could submit a written statement describing that James has passed away and you'd like to be added to the claim. That way, the Department could send you any correspondence until the ownership change is officially submitted.

Furthermore, it was recommended to me that the claim be amended to add stockwater storage, but keep the original source of UNNAMED STREAM. (Again, the claim must be amended by James, so an ownership change needs to be filed before the amendment could occur. Then the amendment could be completed by the new owner or a representative/executive of the family trust). I have attached the original claim for convenience since it lists the source as unnamed stream.

Lastly, amendments must be confirmed by signature. I had incorrectly said that an initial and date would be sufficient, but I've been informed that this is not correct.

Let me know if you have further questions.

Regards,

Alex Dalglish

Senior Water Resource Agent

Phone (208) 287-4913

alex.dalgleish@idwr.idaho.gov

From: Anthony Mengelkamp [mailto:anthonyconrad95@gmail.com]

Sent: Friday, February 19, 2021 9:57 AM

To: Dalgleish, Alex <Alex.Dalgleish@idwr.idaho.gov>

Subject: water right claim 87-11619 Mengelkamp

Dear Alex,

Hello from snowy Latah County!

I've attached the scan with "unnamed stream" struck through and "Pond" added with my initial. Let me know if anything else needs amending.

Enjoy the weekend,

-Tony