

From: [Anthony Mengelkamp](#)
To: [Saxton, Craig](#)
Subject: Re: water right claim 87-11619 Mengelkamp
Date: Wednesday, June 23, 2021 1:19:12 PM
Attachments: [87-11619 Amended Claim \(2021, 06-16\) Mengelkamp signed.pdf](#)

Dear Craig -

Thank you for the very detailed reply and explanations. It really helped understand better everything on the form.

I've filled in the yellow portions and signed the last page (for some reason when I printed it printed text only).

With e-mailing this to you, do I not need to mail in the paper copy?

I have two follow ups. The updated map with the PODs and polygons. You say as long as it is in the right QQ - is QQ the quarter quadrant of the section?

The place of use refers, in this case, where the cows will drink the water from the stockwater storage (pond) which would essentially be the size of the pond?

Second - I'm curious as to when it would be appropriate to use "surface runoff" as an example.

Thank you for you help
Tony

On Thu, Jun 17, 2021 at 1:54 PM Saxton, Craig <Craig.Saxton@idwr.idaho.gov> wrote:

Tony,

Unfortunately Alex has left the department. I will be happy to work with you in wrapping up 87-11619.

Thanks for the documentation. I think I am up to speed. There are a couple of steps that I think we need to take to wrap this up.

1) It appears from doing a quick deed search on the Latah County website, that the property that the water right is applicable to is still in your father's name. As you requested, we can add you to the claim as a "representative", but I think we need to keep your Dad's name on there for now since we don't have any documentation of who the new owner of the property is. But this will allow you to sign on behalf of the water right.

In your letter you listed two addresses. Unfortunately, we need one address. When we prepare bulk mailings, we don't have the ability to distinguish which address mail should be sent to. You will want to fill in your primary or permanent mailing address on the claim.

2) I think we need to have you sign an official claim form in order to amend your claim. I read through the file and Alex's notes and as best as I can tell, the source of water for the ponds is surface water that flows naturally and is captured by the ponds. You originally claimed the source as **Unnamed Stream** and that seems appropriate. If there is not a defined channel, you could claim the source as "Surface Runoff" but generally if it is coming from a natural draw that rain and snow melt collect, calling the source "unnamed stream" is appropriate.

We would only describe the source of water as "Pond" if the ponds were natural. You indicated that they were man made so the source of water on the water right should be that water which is filling the ponds.

3) I am attaching an amended claim where I have underlined the changes I am proposing and **highlighted the areas that need completed**. Note that on the amended claim I have added "Stockwater Storage". "Stockwater Storage" is what will authorize you to store the water for the stock to drink. The "Stockwater" portion is for the "live" flow of water which might flow through the pond that the stock drink. "Stockwater Storage" will have a volume and "Stockwater" will just have a rate in this case.

Please complete the highlighted areas of the amended claim and make any changes you wish to make. When satisfied, print and sign the claim and you can e-mail a digital copy of the signed claim back to me if you would like.

I will try to address your questions to Alex in the body of the **e-mail below**.

Let me know if you have any questions.

Craig L. Saxton

Adjudication Section Manager

322 E Front St

Boise ID 83720-0098

Craig.saxton@idwr.idaho.gov

208.287.4916

From: Anthony Mengelkamp [<mailto:>]
Sent: Wednesday, June 16, 2021 1:02 PM
To: Dagleish, Alex <Alex.Dagleish@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. **We will add you as a Representative, but we still need to keep James on the claim until we have a new deeded owner of the property to which the water right is applicable.**

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. **We will get the claim amended and I will send you a new recommendation.**

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 (**correct**)- then why are the dots not inside the polygons? **The dots represent the point of diversion (POD). The POD's are where the water is diverted from the natural flow path. In this case, what is diverting the water is the hole that was dug for the pond or a dam/berm that stops the flow of water so it can be captured. So we have marked the PODs in, or on the edge of, the ponds. What is important is that they are in the right QQ and are reasonable. The shape you see in the map is not part of what will be decreed by the court. I have attached and updated claim map for you to look over.**

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. **I recommend just claiming the period of use for year round. I have made those changes on the amended claim.**

The stockwater use is listed for 50 cattle; would this be 50 individual animals, adult or otherwise (**yes**), or does a cow/calf pair equal 1? (**nope**) 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?) **I made a spot on the claim for you to describe your stockwater use as you feel is appropriate. The number of stock you put on the claim should represent as close to the maximum that you currently water at a time (or have in the recent past) and can be descriptive as to the type and number of stock. For Example , You could put “Stockwater use is for 5 horses, 10 cattle and 15 chickens”.**

With that said, IDWR isn't going to ever come out and count the number or type of stock. The number and type of stock is often used to determine a volume that will be authorized by larger rights. You filed this this claim as a small domestic and stock water use that meets the definition of Idaho code 42-111 which means your recommendation will be limited to diversion of 13,000 gallons per day. If you were diverting that much, you could water up to 1000 head of cattle (or other large stock – for the most part they are interchangeable).

Thank you Alex. I am still in MA but will get to Idaho on Friday.

my phone is 208 310 6644

-Tony