

Jordan, Blake

From: Jaxon Higgs <jaxon@waterwellconsultants.com>
Sent: Monday, May 01, 2017 11:19 AM
To: Jordan, Blake
Subject: Corrected Part1B.2
Attachments: Wahlen Transfer - Corrected Part 1B.2.pdf

Blake,

Attached is the corrected page 3 of the Wahlen Transfer. I apologize for the misunderstanding.

Thanks again,

Jaxon

Jordan, Blake

From: Shane Bolgen <shane.kwfarms@gmail.com>
Sent: Friday, April 28, 2017 11:31 AM
To: Jaxon Higgs; Jordan, Blake
Subject: Fwd: water rights

See below email. Sorry this took so long to get. Heather is a busy person and it seems to take her awhile to get me things I ask for. If you have any questions, please let me know.

Shane

----- Forwarded message -----

From: Heather Limon <hlimon07@hotmail.com>
Date: Fri, Apr 28, 2017 at 11:15 AM
Subject: water rights
To: Shane Bolgen <shane.kwfarms@gmail.com>

April 28, 2017

To whom it may concern,

As part of the purchase and sale to K&C Wahlen Living Trust from Hinckley Brothers, LLC and Deed dated 4/7/2015 was Water Right #35-7173. In this Water Right, there is 3.4 acres of water located in Township 7S Range 29E Section 30 Power County. It was the intention of this sale that the 3.4 acres of water are to be included as part of the purchase.

Sincerely,

Heather Limon

Hinckley Bros LLC

Manager

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Shane Bolgen
CFO

Kim Wahlen Farms

o 208.226.9906 / m 208.220.9402

Jordan, Blake

From: Shane Bolgen <shane.kwfarms@gmail.com>
Sent: Monday, April 24, 2017 3:17 PM
To: Jaxon Higgs; Jordan, Blake; Tanner Wahlen
Subject: Fwd: Valves
Attachments: IMG_0514.JPG

Sorry about the last pictures, I think that employee was confused on what field we need a picture from. I am muddy and wet but I wanted to get the right picture for you. This is the setup that we have for the rock piles on Hinkley 22.

Let me know if there is anything else with the valves.

Shane

----- Forwarded message -----

From: Shane Bolgen <shanebolgen@gmail.com>
Date: Mon, Apr 24, 2017 at 3:10 PM
Subject: Valves
To: shane.kwfarms@gmail.com

Sent from my iPhone

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Shane Bolgen

CFO

Kim Wahlen Farms

o [208.226.9906](tel:208.226.9906) / m [208.220.9402](tel:208.220.9402)

shane.kwfarms@gmail.com

Jordan, Blake

From: Jaxon Higgs <jaxon@waterwellconsultants.com>
Sent: Friday, April 21, 2017 9:06 AM
To: Jordan, Blake
Subject: RE: Application for Transfer 35-7173 K & C Wahlen Living Trust.

Hi Blake,

I've sent an email to Wahlen's requesting they contact Hinckley's (previous owner) and get a letter explaining that the 3.4 acres was meant to go with the irrigated ground. I instructed them to send those pictures but they must have forgotten when they mailed it in so I will have them get those to me. I will fix 1B.2. and we'll submit all the info to you together once it is acquired (asap).

Thanks so much for your help on this! I apologize it has been so long in getting to you.

Jaxon

From: Jordan, Blake [mailto:Blake.Jordan@idwr.idaho.gov]
Sent: Wednesday, April 19, 2017 12:02 PM
To: jaxon@waterwellconsultants.com
Subject: Application for Transfer 35-7173 K & C Wahlen Living Trust.

Hi Jaxson,

I have finished a preliminary review of the transfer application you prepared for Kim Wahlen. There are a few items that need your attention before I can move forward with processing the application. The items needing your attention are described below:

The ownership of a 3.4 acre portion of water right 35-7173 is in question. The 3.4 acres located in the SESE, Section 30, 7S, 29E is appurtenant to land currently owned by S&H Farms Cross E Land LLC. In April 2015 K&C Wahlen Living Trust submitted an ownership change which included water right 35-7173. The Department processed the applications and updated the water right record which shows K & C Wahlen as the owner to all of the water right; including the 3.4 acres in question. I question the ownership of the 3.4 acres because of the language use in the warranty deed to convey ownership of water right 35-7173. Just below the "meets and Bounds" legal description of the property being conveyed to K & C the deed contains a statement that says "Together with Water Right Nos. 35-9077, 35-7173 and 35-12810." It is unclear to what S & H Farms (Grantor) intention were pertaining to the water right. Was the S & H Farms only conveying that portion of the water right appurtenant to the land conveyed? Or was S & H Farms intention to convey all the water right including the portion not appurtenant to the land being conveyed (3.4 acres)? Please provide supporting documents clarifying S & H Farms intention.

Under question 5.e. (pg 4) the application indicates that pictures are attached showing manual valves at sprinkler heads that will be installed to prevent irrigation from occurring on rocky portions of the field that are not included in the place of use. No pictures were attached to the application. Please provide pictures showing the manual valves at the sprinkler heads.

The filing fee for transfer applications is based on the quantity of water being transferred, not necessarily on the amount of the entire water right. Based on the proposed permissible place of use it appears there is approximately 41.1 acres being changed under the water right. The calculated rate being changed equates to 0.66 cfs (7.2 cfs/446.4 acres * 41.1 acres (being changed)). The filing fee for 0.66 cfs is \$500.00. The fee submitted for this application was \$1,060.00. We

will refund you \$560.00. However the total amount of water being changed under part 1B.2. of the application needs to be completed.

Once you have made the changes and provided the additional information described above you can resubmit the amendments to me.

Let me know if you have any questions.

Thanks

Blake Jordan
Water Rights Supervisor
Idaho Department Of Water Resources
900 N Skyline Dr. Suite A.
Idaho Falls, ID 83402
(208)525-7161