

Palmer, Cherie

From: Rob Harris [rharris@holdenlegal.com]
Sent: Wednesday, November 27, 2013 12:21 PM
To: Palmer, Cherie
Subject: RE: Telford Lands 34-7092 Payment
Attachments: DOC112713.pdf; DOC112713.pdf

Cherie:

Thanks for the phone call and email. I've had a chance to review my file and notes, and Telford Lands actually intended for the rental to be void for 2013.

The reason the rental was not needed in 2013 was because we were able to resolve an easement dispute with a person for a pipeline easement. The rental was entered into to allow temporary use of water from another well while we resolved the easement dispute. The water was rented in 2012 because it was needed for that year. Attached is the letter I sent to Monica with the rental.

The good news was that the easement dispute was resolved in mid-2012. Attached is the deed that was recorded in May of 2012 that resulted from the settlement agreement.

Because the case was settled, we intended for the agreement not to be renewed in 2013, which is why no payment was or will be sent in for 2013. In not renewing the agreement, I relied on the rental document where states that if payment is not sent in by the due date, the agreement is void: "The agreement will be void if payment is not received prior to the due date in a given year." The due date was April 1st.

For future rentals, does IDWR prefer a written statement indicating that the agreement is not intended to be exercised for that year? Let me know if that is what is preferred.

Thanks for the follow up on this. Let me know if you have any questions.



Robert L. Harris
HOLDEN, KIDWELL, HAHN & CRAPO, PLLC
1000 Riverwalk Drive, Suite 200
P.O. Box 50130
Idaho Falls, ID 83405-0130
Phone: (208) 523-0620
Fax: (208) 523-9518
E-Mail: rharris@holdenlegal.com

Confidentiality Notice: The information contained in this electronic e-mail and any accompanying attachments, all of which may be confidential and/or privileged, is intended only for the intended recipient. Any unauthorized use, disclosure or copying of this e-mail and its contents is strictly prohibited and may be unlawful. If you are not the intended recipient, please delete the original message and all copies from your system. Thank you.

Internal Revenue Service Circular 230 Disclosure: Please note that any discussion of or advice regarding United States tax matters contained herein (including any attachments) is not intended or written to be relied upon or used and can not be relied upon or used for the purpose of promoting, marketing, or recommending any tax-related matters or advice to another party.

From: Palmer, Cherie [<mailto:Cherie.Palmer@idwr.idaho.gov>]
Sent: Wednesday, November 27, 2013 11:45 AM

To: Rob Harris

Subject: FW: Telford Lands 34-7092 Payment

Hello Rob,

This email is a follow-up regarding our telephone conversation this morning. According to our records, we did not receive a rental payment for 2013 pursuant to the Water Supply Bank Rental Agreement dated 3/30/2012 for 34-7092. The total fee due is \$1,659.70. If Mr. Telford has a record of that payment being paid, please send us that documentation. Otherwise, can I assume that a payment will be mailed to our offices next week? We do need to get payments finalized for the 2013 season asap, so I really appreciate your attention to this matter. Thanks for all your help.

*Cherie Palmer, Sr. Water Resource Agent
Idaho Dept of Water Resources
Water Allocation Bureau*

322 E. Front Street (Front St. & Broadway Ave)

Mail: PO BOX 83720 Boise, ID 83720-0098

email: cherie.palmer@idwr.idaho.gov

phone: (208) 287-4944

fax: (208) 287-6700