

Skaggs, Pam

From: Van Bussum, Monica
Sent: Thursday, March 21, 2013 8:12 AM
To: Skaggs, Pam
Subject: FW: Lease of 29-2395
Attachments: 29-2395_lease_agmt_Hart-CLF.pdf

Hi Pam,

Jason says there was a lease agreement but it was not signed by the deceased owners, for obvious reasons. I don't see a need for an "and" name connector, so it would appear we could accept the lease agreement with the other 3 Hart signatures. What do you see?

Monica

From: Jason Helms [mailto:jasoncivil@alumni.nd.edu]
Sent: Wednesday, March 20, 2013 5:25 PM
To: Van Bussum, Monica
Subject: Re: Lease of 29-2395

Monica,

Yes, we have an agreement signed between the 3 hart brothers and County Line Farms (attached). The issue was that we couldn't get signatures from the deceased owners so were trying to get them removed (Laurel Taylor Hart & Harry Hartwigsen)

Would it help if I bring the original to IDWR here in Idaho Falls?

On Wed, Mar 20, 2013 at 4:44 PM, Van Bussum, Monica <Monica.VanBussum@idwr.idaho.gov> wrote:

Hi Jason,

I just got a chance to take a gander at the 29-2395 acknowledgment letter (attached here). Pam points out some ownership issues. Do Monty and the Harts have an agreement that allows Monty/County Line Farms to be the lessors? If so, we can just process the lease with Monty/County Line as the lessor. We've done similar arrangements before. What do you think?

Monica

From: Jason Helms [mailto:jasoncivil@alumni.nd.edu]
Sent: Wednesday, March 20, 2013 4:29 PM

To: Van Bussum, Monica
Subject: Re: Lease of 29-2395

Ok, I will include portions in the Houghland and County Line Farms proposals for 2013 and get the analyses to you shortly.

Thanks
Jason

On Wed, Mar 20, 2013 at 4:20 PM, Van Bussum, Monica <Monica.VanBussum@idwr.idaho.gov> wrote:

Hi Jason,

I think we can move forward with the lease. It hasn't been processed yet but I see we received it 3/8.

Monica

From: Jason Helms [mailto:jasoncivil@alumni.nd.edu]
Sent: Wednesday, March 20, 2013 2:52 PM
To: Van Bussum, Monica
Subject: Re: Lease of 29-2395

Monica,

I just wasn't sure if it could be processed at this point. I think the ownership status is clear but I don't have any signature on a formal ownership change document and it may take some time to get. I hesitate to finalize the existing water bank applications for Houghland, County Line Farms or PEP until I can be sure this right has been accepted.

I guess that is all I am really asking. Is everything in order for 29-2395 to be rented from the water supply bank?

Jason

On Wed, Mar 20, 2013 at 1:49 PM, Van Bussum, Monica <Monica.VanBussum@idwr.idaho.gov> wrote:

Hi Jason,

I feel behind the 8 ball - sorry. It looks like water right ownership is in these names. Did you hear something about the Water Supply Bank lease not being processed until Taylor was off the books?

Monica

From: Jason Helms [mailto:jasoncivil@alumni.nd.edu]
Sent: Wednesday, March 20, 2013 1:38 PM
To: Van Bussum, Monica
Subject: Re: Lease of 29-2395

Monica,

I'm still working on getting the ownership changed. Death cert for Laurel Taylor would take weeks. We didn't get their signature on the ownership change but we got all three signatures on the lease agreement. Is it possible to move forward on this while I work on getting a signature on the formal ownership change based on what we have so far?

Jason

On Mon, Mar 18, 2013 at 4:04 PM, Van Bussum, Monica <Monica.VanBussum@idwr.idaho.gov> wrote:

Hi Jason,

This looks pretty good to me. It seems like after the c/o is done we can look at using it for Houghland. This would be great news!

Just a quick note, I got the death certificate in another email. You'll want to make a copy of the death certificate, blackout the social security number on it, and then send the blacked-out copy in for the change. You probably have heard about people using other people's death certificates as a way to steal identifies. I'm going to delete that email so there's no record on my end.

Thanks.

Monica

From: Jason Helms [mailto:jasoncivil@alumni.nd.edu]
Sent: Monday, March 18, 2013 3:46 PM
To: Van Bussum, Monica
Subject: Lease of 29-2395

Hi Monica,

This may be the path to a solution for the shortage of rental available under 35-7534B.

Recently you received a lease application in the name of County Line Farms offering 29-2395 to the water supply bank. It's good that we had to get all 3 signatures because after consideration, the 3 Hart brothers can only agree to offer 29-2395 for a 3-year period (which is just long enough for the remainder of the Houghland term).

I have attached a pdf of two deeds (Laurel Hart Taylor -> Laurel Hart Taylor Trust & Laurel Hart Taylor Trust -> David, James, Robert Hart) and a copy of the death certificate of Harry Hartwigsen.

Finally, I have attached a pdf of the lease agreement signed between the Hart brothers and County Line Farms with the initialed corrections specifying a 3 year lease term.

I have been talking with Jonie Barg at the Eastern Regional office about the ownership change and plan to deliver the original signatures to her as soon as I have them.

There are 287 acres offered for lease in the right, and County Line Farms is seeking rental of 64 acres and 40 acres for two separate tracts which will leave more than enough to cover the remaining 23.7 acres for Houghland. Preliminary model run indicates no limiting factors for 2013-2015 given the CRP history of 29-2395.

Let me know if there is anything else you need apart from the original signatures and a \$25 check?

Thanks,
Jason C. Helms, P.E.
JCH Engineering & Consulting, PLLC
(208) 308-2109

**SPECIAL AGREEMENT ALLOWING AUTHORITY TO OFFER A WATER RIGHT FOR
LEASE TO THE IDAHO WATER SUPPLY BANK**

James W. Hart (Grantor)

David J. Hart (Grantor)

Robert E. Hart (Grantor)

____ (Grantor)

____ (Grantor)

do hereby grant, unto County Line Farms sufficient authority to offer for lease to the Idaho Water Supply Bank the water rights (owned by the Grantors) as described in attached **Exhibit 1** for a ~~X~~ year period from 4/15/2013 through the end of the irrigation season in ~~2017~~.

D.J.H. 3 REH JH *D.J.H. 2015 REH JW*
All proceeds resulting from rental of any portion of this water right are to be paid to the water right owner (Grantors).

IN WITNESS WHEREOF, the undersigned authorized officers of Grantor, acting on behalf of Grantor, have caused their names to be hereunto subscribed on the date shown by each name.

Grantor James W. Hart *James W. Hart* Grantor _____

Dated 3/12/2013 By _____ Dated _____ By _____

Grantor David J. Hart Grantor _____

Dated 3/12/2013 By *David J. Hart* Dated _____ By _____

Grantor Robert E. Hart Grantor _____

Dated 3/12/2013 By *Robert E. Hart* Dated _____ By _____

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

8/30/2012

WATER RIGHT NO. 29-2395

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DAVID J HART
Current Owner	JAMES W HART
Current Owner	ROBERT E HART
Current Owner	HARRY R HARTWIGSEN
Current Owner	LAUREL H TAYLOR
	PO BOX 5321
	CHUBBUCK, ID 83202
Original Owner	HARRY HART
	POCATELLO, ID

Priority Date: 02/28/1958

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	2.82 CFS	1148 AFA
Total Diversion			2.82 CFS	

Location of Point(s) of Diversion:

GROUND WATER|SENE|Sec. 01|Township 06S|Range 34E|BANNOCK County

Place(s) of use:

Place of Use Legal Description: IRRIGATION BANNOCK County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
06S	34E	1		NESW 40			NWSW 39			SWSW 39			SESW 38	
				NWSE 15										
		2		NESE 25			NWSE 32			SWSE 31			SESE 28	

Total Acres: 287

Conditions of Approval:

1. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

Exhibit 1

Dates:

Licensed Date:

Decreed Date: 03/22/2004

Permit Proof Due Date:

Permit Proof Made Date:

Permit Approved Date:

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector: AND

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close