

Sommer, Rachel

From: Ken Arment [kennetharment@gmail.com]
Sent: Monday, October 22, 2012 7:33 PM
To: Sommer, Rachel
Cc: Ben Wellington
Subject: Re: Water Right No. 65-12755

Rachel, we should be able to get that done in the next 30 days but I will let you know if we need additional time closer to the due date. Thanks. Ken.

On Mon, Oct 22, 2012 at 12:45 PM, Sommer, Rachel <Rachel.Sommer@idwr.idaho.gov> wrote:

Hi Ken,

Thank you for your quick response. I have reviewed the Special Warranty Deed and Easement Agreement you emailed me. I do think it would be best if we move forward with getting a supplemental deed for Water Right 65-12755.

The Department will hold any action on your notice pending receipt of the necessary documentation. Please return the required documentation within 30 days, if more time is needed please let me know.

Sincerely,

Rachel Sommer

Office Specialist II

IDWR - Western Region

Office: 208-334-2190

rachel.sommer@idwr.idaho.gov

From: Ken Arment [mailto:kennetharment@gmail.com]
Sent: Monday, October 22, 2012 10:41 AM
To: Sommer, Rachel
Cc: Ben Wellington
Subject: Re: Water Right No. 65-12755

Dear Rachel Sommer:

Thank you for your timely email. Please see the attached documentation of recorded instruments on the transaction between the previous record owner, Cloverdale Nursery & Turf Farm, and the Southern Valley County Recreational District ("SVCRD"). the Valley County Reorder's Instrument # 371078 is the special warranty deed. I did not draft and was not involved in the review and execution of these documents, I would have specifically included the decreed water right by number or put in language regarding the purchase of the water right that was used for heating at the Boise-Cascade Mill in the deed. Instead it used the basic term of "water rights", however, as you know, this was a purchase of subdivided real property where the diversion point is still located on the purchased property, but the old place of use (even though it is still located in the same quarter section), is not located on the purchased property. Hence, the term "water rights" may not adequately include the decreed right as it was appurtenant to the larger 40 acre parcel and specifically used outside the deeded 4 acres. It may be that a supplemental deed of the specific water rights is warranted.

Also attached is the recorded easement agreement for access and utilities and such to the property, as Valley County Recorder's Instrument # 371079. I can tell you that reference to the water right was specifically included in the purchase and sale agreement, and it may be that submission of a copy of that agreement, which the parties agreed to remain confidential (if possible), as it even designates the purchase valuations of the water right and land, separately out of the whole purchase amount, will suffice for the Department's review. I can also confirm that the parties intended the deed to include transfer of the decreed water right even though the language in the deed may arguably be insufficient as it may not have been legally appurtenant to the sale property and should have specifically included reference to the decreed right.

In the event the Department finds the deeded language insufficient or would like a deed specifically referencing the decreed water right, please let me know and the SVCRD will get such a document executed by the parties, recorded, and turned in to you. In the interim, I am asking the SVCRD to submit a copy of the purchase agreement and ask that the Department keep the same confidential and not for disclosure to the public..

Thanks you.

Ken Arment.

On Mon, Oct 22, 2012 at 9:13 AM, Sommer, Rachel <Rachel.Sommer@idwr.idaho.gov> wrote:

October 22, 2012

RE: Water Right No. 65-12755

Dear Kenneth Arment:

Thank you for submitting the Notice of Change in Water Right Ownership for Southern Valley County Recreation District. However, per our discussion on September 20, 2012, the Department has not yet received the following required documentation.

- A copy of the recorded conveyance document – warranty deed, quitclaim deed, etc.

Because the Department cannot process this request at this time, we will hold any action on your notice pending receipt of the necessary documentation. If we do not receive the required documentation within 30 days, the notice will be returned and will not be processed.

Thank you for your cooperation in this matter.

Sincerely,

Rachel Sommer

Office Specialist II

Western Regional Office

(208) 334-2190

rachel.sommer@idwr.idaho.gov

Sommer, Rachel

From: Sommer, Rachel
Sent: Monday, October 29, 2012 11:29 AM
To: 'Ben Wellington'
Subject: RE: Water Right

Ben,

I will be in the office from 8-5 this Wednesday. If you are able to email me a copy I can review it to see if the information is efficient to complete an ownership change.

Thanks you for contacting me.

Rachel Sommer

Office Specialist II
IDWR - Western Region
Office: 208-334-2190
Fax: 208-334-2348
rachel.sommer@idwr.idaho.gov

From: Ben Wellington [<mailto:benhere@cablone.net>]
Sent: Friday, October 26, 2012 2:38 PM
To: Sommer, Rachel
Cc: Ken Arment
Subject: Water Right

Rachel Sommer,
My name is Ben Wellington and I am a Board Member on the Southern Valley County Recreation District (SVCRD). Ken Arment and I have been working on the geothermal water right transfer from Cloverdale Nursery & Turf Farm, Inc. to SVCRD. I have a signed, notarized, recorded Quitclaim Deed from Cloverdale to SVCRD on water right No. 65-12755 that I would like to bring to your office next Wednesday, 10-31-2012.
I have an appointment at 10:00 a.m. and could meet you at between 8-9:30 a.m. if that would work for you or sometime after 11:00 a.m.
Please share with me your thoughts.
Sincerely,
Ben Wellington

Sommer, Rachel

From: Ben Wellington [benhere@cableone.net]
Sent: Monday, October 29, 2012 2:12 PM
To: Sommer, Rachel
Cc: Bob and Mary; Linda Thacker; Ken Arment
Subject: Re: Emailing: Scan0001

Rachel Sommer, than you for all your help, if you need anything else, please let me know.
Sincerely,
Ben Wellington

----- Original Message -----

From: Sommer, Rachel
To: Ben Wellington
Sent: Monday, October 29, 2012 1:48 PM
Subject: RE: Emailing: Scan0001

Good afternoon Ben,

Thank you for submitting the Quitclaim Deed for WR No. 65-12755. This was the only document I needed to complete the change in ownership. I will send out an acknowledgment when the process is completed.

Thank you for your cooperation in this matter.

Rachel Sommer

From: Ben Wellington [<mailto:benhere@cableone.net>]
Sent: Monday, October 29, 2012 11:59 AM
To: Sommer, Rachel
Subject: Emailing: Scan0001

Rachel, thank you for taking the time to review this document. Please let me know if it meets the criteria, if so, what will you need from me and if I need to come to your office what is the address.

Thank You,
Sincerely,
Ben Wellington

The message is ready to be sent with the following file or link attachments:
Scan0001

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.