

Nelson, Dan

From: Rob Harris [rharris@holdenlegal.com]
Sent: Tuesday, September 27, 2011 4:29 PM
To: Nelson, Dan; Van Bussum, Monica
Cc: telfordsunvalleyseed@gmail.com
Subject: RE: Telford Water Bank Lease Documents

Dan:

Will do. I will have them sent out tomorrow.

Thanks,

Robert L. Harris
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From: Nelson, Dan [mailto:Dan.Nelson@idwr.idaho.gov]
Sent: Tuesday, September 27, 2011 4:04 PM
To: Rob Harris; Van Bussum, Monica
Cc: telfordsunvalleyseed@gmail.com
Subject: RE: Telford Water Bank Lease Documents

The only change you need to make is change the dates of the lease on page two to 11/2/2009 to 11/2/2014. Other than that they are fine.

Dan

From: Rob Harris [mailto:rharris@holdenlegal.com]
Sent: Tuesday, September 27, 2011 2:59 PM
To: Nelson, Dan; Van Bussum, Monica
Cc: telfordsunvalleyseed@gmail.com
Subject: RE: Telford Water Bank Lease Documents

Dan:

Thanks very much for your quick reply. It sounds like the draft applications I sent are OK. If so, let me know, and I will sign them and then officially submit them with the spreadsheets, maps, etc. I'm glad you looked into the 34-618

condition as well because it was a bit confusing. I am working on the rental application, and will have it ready to go very soon.

Thanks,

Robert L. Harris
HOLDEN, KIDWELL, HAHN & CRAPO, PLLC
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From: Nelson, Dan [<mailto:Dan.Nelson@idwr.idaho.gov>]
Sent: Tuesday, September 27, 2011 1:52 PM
To: Rob Harris; Van Bussum, Monica
Cc: telfordsunvalleyseed@gmail.com
Subject: RE: Telford Water Bank Lease Documents

Rob,

Thank you for the lease applications. I have already started working on the conditions and what not for the leases. I have also contacted the watermaster, but I have not received an official response as of yet.

You are correct about the 139 acres for 34-618. I discussed this with Pam Skaggs this morning, and it appears as though a condition was not included on water right transfer 73320 that created the permissible place of use for water right 34-618. The water right should have a condition that limits the irrigation of this water right to 139 acres within the 2,124 acre permissible place of use. That makes that funky condition make more sense. Unfortunately, we at the water bank can't add that condition onto the water right, but we will be placing it on the water bank lease agreement. To add the condition it will require an administrative action.

I am guessing that I will have my memo written by the end of this week if not sooner. It just depends on my other work load. The watermaster has until October 5, 2011 to respond. If he doesn't give me any written response by that date, then we will move forward with the lease. At this point I hand it off to Monica, who will compose the agreements, and send them out for signature. Depending on work load, I would probably expect the agreements to be sent to you in the 3-5 weeks.

From: Rob Harris [<mailto:rharris@holdenlegal.com>]
Sent: Tuesday, September 27, 2011 1:22 PM
To: Nelson, Dan; Van Bussum, Monica
Cc: telfordsunvalleyseed@gmail.com
Subject: Telford Water Bank Lease Documents

Dan:

Attached for your review are the water supply bank lease forms you requested. I have also attached two spreadsheets, and will explain them below. I agree with your letter that it would be best if we had lease applications for all of the stacked water rights, including the surface water rights.

The first spreadsheet is a comparison of the original water rights and the water bank amounts. As shown on the spreadsheet, each water right water bank amount is based off of a ratio of .130273. This was calculated by dividing the acres offered to the water bank (276.7 acres) divided by the total acres (2124). The result was the ratio of .130273. Based upon this ration, I then was able to specify the amounts to lease under 34-618 and 34-13659.

Regarding 34-618, there is a somewhat quirky condition that resulted from a prior transfer that essentially states that there is a portion of Water Right No. 34-7179 that is forever tied to 34-618 and the original 139 acres that was irrigated under 34-618. I calculated the amount of diversion rate of 34-7179 that is tied to 34-618 by dividing 2124 by 139. Because of this condition, you can see in the lease application, I included a portion of 34-7179 as part of the lease of 34-618 because of this condition. Let me know if you think this works, or if I should remove reference to 34-7179.

The second water bank lease application is for 34-13659, but if you review the conditions of this right, it is tied with combined amounts with 34-13661. Because of this, I thought it would be simpler to list both of these rights in a single application. Let me know if you think this is OK, or if you would prefer if I separated them out. I am happy to do either one.

Lastly, the Water Bank Acres spreadsheet is a modified version of what Brian Higgs submitted before. It is a good land list, but regarding calculation of the amounts from each water right, I incorporated that in the Water Rights Summary Spreadsheet.

The bottom line is that there are 276.70 acres out of the 2124 acres that need to be leased into the water bank. The complicated part is dealing with the stacked water rights, but I think the water rights spreadsheet summarizes that very well. In total, 5.26 cfs, 988.06 AF, and 276.7 acres are proposed for lease.

I am now going to work on the rental application, but wanted to get this to you as soon as I could. Thanks again for your assistance, and let me know if you have any questions. I want to make sure these documents are satisfactory to you before we submit them to you.

Thanks,

Robert L. Harris
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From: Nelson, Dan [mailto:Dan.Nelson@idwr.idaho.gov]
Sent: Monday, September 26, 2011 10:35 AM
To: Rob Harris
Cc: Van Bussum, Monica
Subject: RE: Telford

Rob,

That sounds great. The rental will be a new application, so it will need to go to Monica for distribution. Even though it will use the water leased in 2009, the rental will be a separate application and need to go through its own review process.

Daniel A. Nelson
Staff Hydrologist
Planning Bureau
Idaho Department of Water Resources
Telephone # (208) 287-4856
Fax (208) 287-6700 (C/O Dan Nelson)

From: Rob Harris [mailto:rharris@holdenlegal.com]
Sent: Monday, September 26, 2011 10:31 AM
To: Nelson, Dan
Cc: Van Bussum, Monica
Subject: RE: Telford

Dan:

I did, and was out of the office in Boise late last week, so I am getting to it today. I will have draft applications done today that I intend to email you tomorrow to help me finalize—just to make sure I cover what you outlined in your letter. Also, while the focus has been on the water bank lease thus far, since we submitted the leases in 2009, Mr. Telford has purchased another farm close to the farm that we have been talking about that in a dry year may be water short. We did a pump test on an old well that we think can provide additional supply, so Mr. Telford wants now lease that water. This means there will be a companion rental from the water bank. This will allow Mike to give the well a test run to see if it will work before filing a transfer in the future. Thanks for your help thus far, and thanks in advance for the help this week to make sure the documents are correct.

Robert L. Harris
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From: Nelson, Dan [mailto:Dan.Nelson@idwr.idaho.gov]

Sent: Monday, September 26, 2011 10:26 AM

To: Rob Harris

Cc: Van Bussum, Monica

Subject: Telford

Hello Rob,

I wanted to check and see if you have received the letter regarding the Telford Water Supply Bank lease in Basin 34. I sent the letter by email and normal mail ,so I hope you received it.

Daniel A. Nelson

Staff Hydrologist

Planning Bureau

Idaho Department of Water Resources

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