

Van Bussum, Monica

From: Rob Harris [rharris@holdenlegal.com]
Sent: Tuesday, February 07, 2012 6:36 PM
To: Van Bussum, Monica
Cc: telfordsunvalleyseed@gmail.com
Subject: RE: Water Supply Bank Extension for Water Right No. 34-7092
Attachments: RE: Water Supply Bank Extension for Water Right No. 34-7092; RE: Water Supply Bank Extension for Water Right No. 34-7092; DOC020712.pdf

Monica:

I had a note on my calendar to check on when we would receive a billing for the water bank rental that is referenced in the attached emails, as well as the correspondence attached. From the emails, you initially indicated that it would be coming in February or March, and I wanted to simply follow up on that. In one of your emails, you indicated that we may need a new rental application, but I recollect we visited about this, and because it was the same renter for the exact same place as before, we concluded that we did not need to submit a new rental application. As you can see from the attached letter that I sent to you, we requested to continue the lessor-renter arrangement just as was approved previously, and expect a billing in the amount of \$1,659.70 (unless the rates have increased) to continue that arrangement. Let me know when you think those billings will be sent.

Thanks, as always, for your assistance on these.



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

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Van Bussum, Monica

From: Van Bussum, Monica
Sent: Tuesday, December 20, 2011 12:53 PM
To: Rob Harris
Subject: RE: Water Supply Bank Extension for Water Right No. 34-7092

Hi Rob,

I'll send billing in the spring (February/March) for 2012 rentals, so Mike should get a bill at that time.

Monica

From: Rob Harris [<mailto:rharris@holdenlegal.com>]
Sent: Mon 12/19/2011 10:04 PM
To: Van Bussum, Monica
Cc: telfordsunvalleyseed@gmail.com
Subject: Water Supply Bank Extension for Water Right No. 34-7092

Monica:

Mike Telford received the attached letter, and we appreciate your attention to this water bank lease. Consistent with past practice, we presume Mike will received a renewal agreement in February as the renter of the water right consistent with his rental from this year, with a fee in the amount of \$1,659.70 that will be due on April 15, 2012. If my understanding is incorrect, please let us know.

Thanks again for all of help.

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Van Bussum, Monica

From: Van Bussum, Monica
Sent: Friday, December 23, 2011 11:58 AM
To: Rob Harris
Cc: telfordsunvalleyseed@gmail.com
Subject: RE: Water Supply Bank Extension for Water Right No. 34-7092
Attachments: hpy001_.pdf; fnt501_.pdf

Hi Rob,

I wanted to double check on this. It looks like the previous rental of 34-7092, for 338.7 acres and 1,185.5 AF, expired October 15, 2011. That rental fee would have been \$1,659.70 per year. I'll need a new rental application to renew that one.

Mike does have another rental that includes 34-7092, which is the big one we just did. That one is for a number of water rights for 276.7 acres and the fee of \$1,355.90 was paid.

I've included copies of both agreements for your information.

Monica

From: Rob Harris [<mailto:rharris@holdenlegal.com>]
Sent: Monday, December 19, 2011 10:04 PM
To: Van Bussum, Monica
Cc: telfordsunvalleyseed@gmail.com
Subject: Water Supply Bank Extension for Water Right No. 34-7092

Monica:

Mike Telford received the attached letter, and we appreciate your attention to this water bank lease. Consistent with past practice, we presume Mike will received a renewal agreement in February as the renter of the water right consistent with his rental from this year, with a fee in the amount of \$1,659.70 that will be due on April 15, 2012. If my understanding is incorrect, please let us know.

Thanks again for all of help.

Robert L. Harris
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1000 Riverwalk Drive, Suite 200
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15069-000



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

December 9, 2011

TELFORD LANDS LLC
1450 W HWY 24
PAUL ID 83347

**RE: WATER SUPPLY BANK LEASE TERM EXTENSION
WATER RIGHT NO(S). 34-7092**

Dear Lessor:

As requested in your letter, received by the Department of Water Resources ("Department") on October 5, 2011, a portion of water right no. 34-7092 will remain in the Water Supply Bank ("Bank"). The right will automatically be released from the Bank on **December 31, 2016**, unless the right is released earlier or the lease is extended. To release the right from the Bank or extend the lease period, please submit a written request to the Department prior to the release date.

It is important to note this lease acceptance is separate from the one approved October 21, 2011.

If you have any questions, please contact me at (208) 287-4907.

Sincerely,

Monica Van Bussum
Sr. Water Resource Agent

Enclosure(s)

c: Lyle Swank - IDWR Eastern Regional Office



Holden Kidwell
Hahn & Crapo P.L.L.C.
L A W O F F I C E S

1000 Riverwalk Drive, Suite 200
PO Box 50130
Idaho Falls, Idaho 83405

Tel: (208) 523-0620
Fax: (208) 523-9518
www.holdenlegal.com

Email: rharris@holdenlegal.com

October 3, 2011

Monica Van Bussum
Sr. Water Resource Agent
Coordinator, State Water Supply Bank
Idaho Department of Water Resources
PO Box 83720
Boise, Idaho 83720-0098

RE: *Water Supply Bank Request to Extend Lease Term for Water Right No. 34-7092.*

Dear Monica:

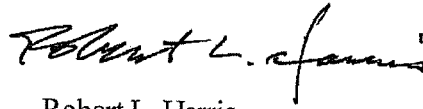
Enclosed please find a completed *Lease Term Extension for a Water Supply Bank Rental* for Water Right No. 34-7092 that was approved last year. Since the lease was submitted, the water right holder, Telford Lands LLC, filed a transfer (Transfer No. 76286) to add a new well to this water right to meet the full diversion rate under this water right and other rights that are stacked on a combined place of use. The Applicant also had previously had a new well approved under a prior transfer, which is known as the "River 2 Well", but because a neighboring landowner would not grant an easement for the pipeline, Mr. Telford elected to instead find another location in the event the easement issues couldn't be worked out.

After a two day contested case hearing, the hearing officer, James Cefalo, denied the water right transfer. At this point, Mr. Telford is now pursuing completion of the River 2 Well, and has again contacted the landowner to obtain an easement for a pipeline that would have to go from the well to the delivery system of his farm. Since that has not yet been completed, Mr. Telford desires to renew this water bank lease to allow the continued use of a well located in the NWNWNW1/4, Section 21, Township 5 North, Range 26 East, which is owned by Mitchell Sorensen, to provide water up to the full entitlement of Mr. Telford's water rights. Mr. Sorensen and Mr. Telford have a well agreement for use of this well by Mr. Telford.

We appreciate your attention to this matter. If you have any questions, please let me know.

Established in 1896

Best Regards,

A handwritten signature in black ink, appearing to read "Robert L. Harris". The signature is fluid and cursive, with the first name "Robert" being more prominent.

Robert L. Harris
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

Enclosures

G:\WPDATA\RLH\15064 Telford, Mike\15064 Telford\monica van bussum ltr 2011.10.03.docx:MB

HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

47336

DATE : Oct 3/2011
CHE # : 47336
AMOUNT : \$250.00
ACCOUNT: GENERAL - 4
PAID TO: Idaho Department of Water Resources

ff
Filing fee

CLIENT: 15064 - MIKE TELFORD
MATTER: 15064-000

HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

GENERAL ACCOUNT
P.O. BOX 50130
IDAHO FALLS, ID 83405
(208) 523-0620

BANK OF IDAHO
P.O. Box 1487
Idaho Falls, ID 83403

CHECK NO.
92-367/1241

447336

Two Hundred Fifty ***** 00/100

PAY TO THE ORDER OF

DATE

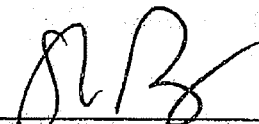
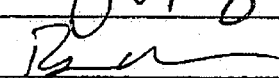
AMOUNT

Oct 3/2011

\$250.00

Idaho Department of Water Resources

Filing fee


MP

MP

Security Features Included. Details on back.

SECURE
SECURE
SECURE

**STATE OF IDAHO
WATER RESOURCE BOARD
WATER SUPPLY BANK
REQUEST TO RELEASE OR LEASE TERM EXTENSION FORM**

This form is a statement that the lessor requests a change in the status of a Water Supply Bank ("Bank") lease for the water right identified below. A water right will remain in the Bank for the accepted lease period unless released earlier by the Water Resource Board or until the lessor submits a request in writing to the Department of Water Resources to release the right from the Bank. If a water right is currently rented, the portion of the right being rented must remain in the Bank for the duration of the rental agreement.

Water Right No: 34-7092 Telephone No: (208) 431-5957
Name(s) of Lessor: Telford Lands LLC
Mailing Address: 1450 W Hwy 24
City: Paul State: Idaho Zip: 83347

REQUEST TO RELEASE A WATER RIGHT FROM THE BANK:

Requested Release Date: _____

Release all or part of the leased portion of the water right: All ☐ Part ☐

*If releasing only part of the leased portion, please attach a clear description of the portion to remain in the Bank.

The lessor requests that the above water right be released from the Bank on the date referenced above.

Signature of Lessor	Printed Name and Title*	Date
_____ Signature of Lessor	_____ Printed Name and Title*	_____ Date

*Please provide title of signatory if signing on behalf of a company or organization or with power of attorney

REQUEST TO EXTEND THE TERM OF LEASE:

Current Expiration Date: October 15, 2011
Requested Expiration Date: October 15, 2016

If extending the lease term for only part of the leased portion, attach a clear description of the portion to remain in the Bank.

Extend lease term for all or part of the leased portion of the water right: All ☒ Part ☐

* All lease extension request forms must be signed and submitted with the following REQUIRED items:

1. Plat map, survey map or aerial photograph clearly showing the specific acres proposed to be idled by this lease application.
2. Filing fee of \$250.00. If you are submitting more than one lease application and the rights have a common place of use or common diversion rate or common diversion volume, the combined maximum fee is \$500.00.

For Department use: Receipt No. _____

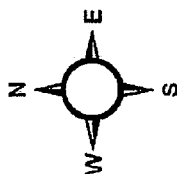
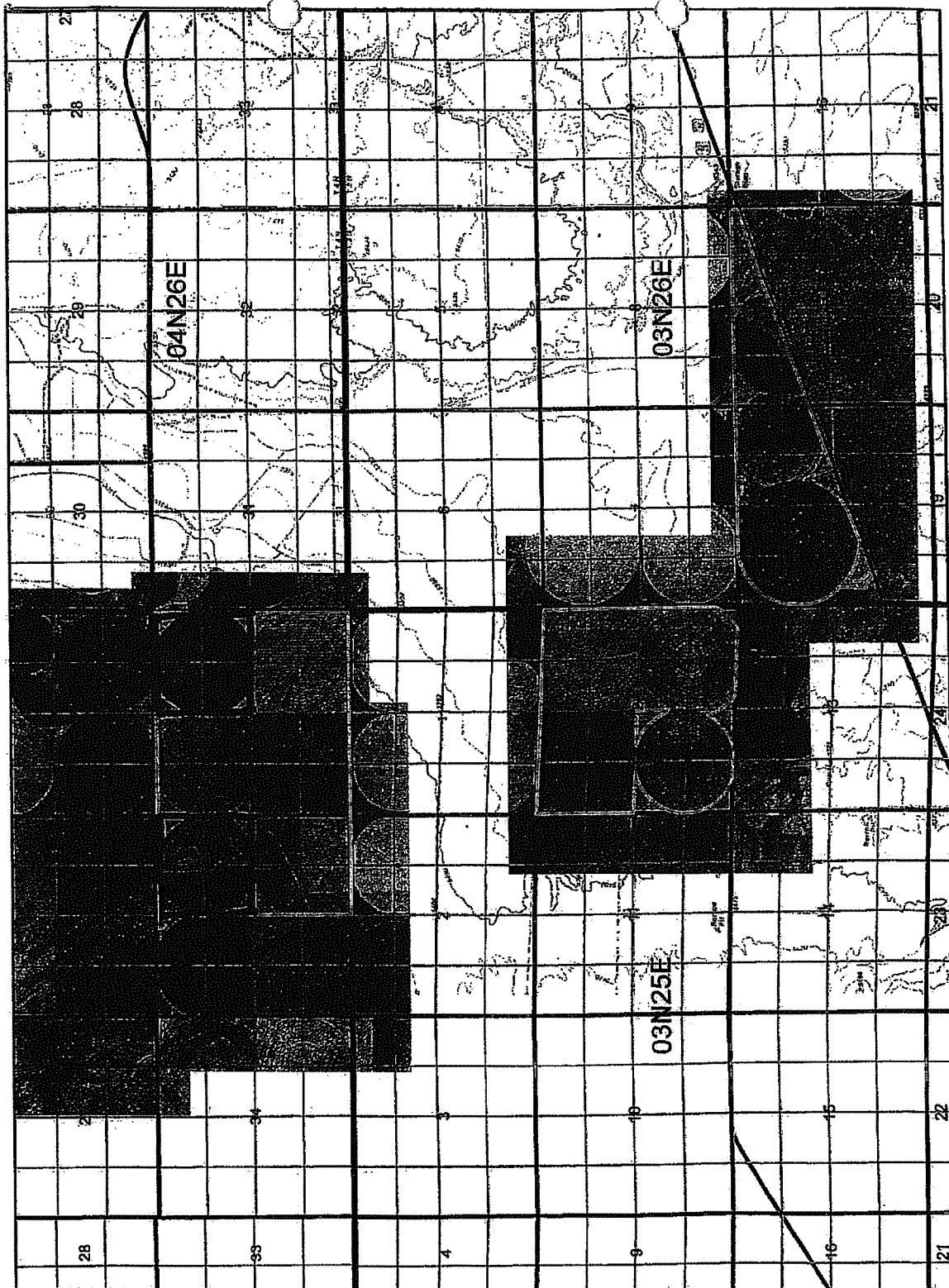
The lessor requests that the above water right remain in the Bank through the date referenced above.

<u>Robert L. Harris</u> Signature of Lessor	Robert L Harris, Attorney for Telford Lands Printed Name and Title*	<u>10/3/2011</u> Date
_____ Signature of Lessor	_____ Printed Name and Title*	_____ Date

*Please provide title of signatory if signing on behalf of a company or organization or with power of attorney

Mail to: Idaho Department of Water Resources, P.O. Box 83720, Boise, ID 83720-0098

TELFORD WATER RIGHTS



- Legend**
- PODs
 - Place_of_Use
 - Township & Range
 - Section
 - Quarter quarters
 - Big Lost River
 - Major Roads

**3-LOAN
ACRES**

Prepared by:
Robert L. Harris
May 29, 2008

0 3,700 7,400 14,800 Feet



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

July 13, 2010

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

MIKE TELFORD
TELFORD LANDS LLC
1450 W HWY 24
PAUL ID 83347

RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO. 34-7092

Dear Mr. Telford:

Please find enclosed a receipt in the amount of **\$1,659.70** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of water for irrigation during 2010. Upon receipt of this fully executed agreement, you are authorized to divert and use water in compliance with the terms and conditions described in the agreement.

Please contact me if you have any questions.

Sincerely,

Aaron Marshall, P.G.
(208) 287-4943
aaron.marshall@idwr.idaho.gov

Enclosure(s): Receipt No. C091321
Rental Agreement (copy)

c: Lyle Swank – IDWR Eastern Regional Office
Jay Jensen – State Water District No. 34
Rob Harris – Holden Kidwell Hahn & Crapo
Brian Higgs – Water Well Consultants Inc.

JUL 16 2010

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WATER SUPPLY BANK RENTAL AGREEMENT

This is to certify that: **TELFORD LANDS LLC**
 1450 W HWY 24
 PAUL ID 83347
 (208) 431-5957

filed an application to rent water from the Water Supply Bank ("Bank"). The Idaho Water Resource Board ("Board") being authorized to operate a Bank and to contract by and through the Director of the Idaho Department of Water Resources ("Director, Department") for rental of water from the Bank agrees to rent water as follows:

Summary of Water Rights or Portions Rented from the Bank

Water Right	Rented Rate	Annual Rented Volume	Total Rented Acres
34-7092	6.40 CFS	1,185.5 AF	338.7 AC
COMBINED RENTAL TOTALS:	6.40 CFS	1,185.5 AF	338.7 AC

TERM OF RENTAL: April 15, 2010 to October 15, 2010
 April 15, 2011 to October 15, 2011

RENTAL FEE: \$1,659.70 per year

The total fee for rental of the above-described water is \$16,597.00 per year. The undersigned renter is also the lessor under this agreement and is therefore obligated to pay only the administrative fee of \$1,659.70 per year. An annual payment shall be received by the Department prior to April 15, the beginning of the irrigation season, each year for the duration of the rental period. The agreement will be void if payment is not received prior to the due date in a given year. To terminate the agreement prior to the end of the rental period, written notice must be received by the Department at least 30 days prior to the rental fee due date.

Detailed water right specific limitations and conditions attached.

The undersigned renter agrees to use the water rented under this agreement in accordance with the Water Supply Bank rules and in compliance with the limitations and conditions of use described in this agreement:

Dated this 2nd day of July, 2010.

By: TELFORD LANDS LLC.
MIKE TELFORD
 (Print Name)

[Signature]
 (Signature)
Managing member
 (Title if on behalf of company or organization)

Having determined that this agreement satisfies the provisions of Idaho Code § 42-1763 and IDAPA 37.02.03.030 (Water Supply Bank Rule 30), for the rental and use of water under the terms and conditions herein provided, and none other, I hereby execute this Rental Agreement on behalf of the Idaho Water Resource Board this 14th day of July, 2010.

[Signature]
 for GARY SPACKMAN, Interim Director
 Department of Water Resources

WATER RIGHT NO. 34-7092 **WATER SUPPLY BANK RENTAL AGREEMENT**

The renter agrees to use the water rented under this agreement in accordance with the Water Supply Bank rules and in compliance with the limitations and conditions of use described below:

Renter: TELFORD LANDS LLC
 1450 W HWY 24
 PAUL ID 83347
 (208) 431-5957

Priority Date: 01/14/1975

Source: GROUND WATER

BENEFICIAL USE

IRRIGATION

From 04/15 **To** 10/15

Diversion Rate

6.40 CFS

Volume

1,185.5 AF

Total: 6.40 CFS

1,185.5 AF

LOCATION OF RENTER'S POINT(S) OF DIVERSION:

GROUND WATER NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 21 Twp 05N Rge 26E BUTTE County
 GROUND WATER NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 21 Twp 05N Rge 26E BUTTE County

RENTER'S PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	25E	35	32	33	40	32.2													137.2
04N	25E	36	29.1	32.6	33	30.6									33.1	40	3.1		201.5

Total Acres: 338.7

CONDITIONS OF WATER USE

- The use of water under this agreement shall be subject to the provisions of Idaho Code § 42-1766.
- Diversion and use of water from the two points of diversion authorized in this agreement and the points of diversion located in SW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 21 Twp 05N Rge 26E (Mickelson Well) and the SE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 29, Twp 05N, Rge 26E (Babcock Well), shall not exceed a combined total of 3,502 acre-feet per year toward the total supply authorized for this right and rights 34-2330B, 34-7077, 34-7080B, 34-7092, 34-7121A, 34-7121B, 34-12376, 34-13840, 34-13842, and 34-7179.
- Use of water under this agreement is subject to the limitations and conditions of approval of the specified water right.
- A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
- Prior to the diversion and use of water under this agreement, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion and in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
- Use of water under this agreement will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 34.

WATER RIGHT NO. 34-7092
WATER SUPPLY BANK RENTAL AGREEMENT

CONDITIONS OF WATER USE

7. The period of use for the irrigation described in this agreement may be extended to a beginning date of April 1 and an ending date of October 31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before April 15 and after October 15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than July 15, 2002.
8. Rental of the specified right from the bank does not, in itself, confirm the validity of the right or any elements of the water right, or improve the status of the right including the notion of resumption of use. It does not preclude the opportunity for review of the validity of this water right in any other department application process.
9. Use of water under this agreement does not constitute a dedication of the water to renter's place of use and upon expiration of this agreement, the points of diversion and place of use of the water shall revert to those authorized under the water right and/or again be available to rent from the bank.
10. This rental does not grant any right-of-way or easement to use the diversion works or conveyance works of another party.
11. This rental agreement does not authorize the construction of a well.
12. Use of water under this agreement shall not prejudice any action of the Department in its consideration of any application for transfer filed by the applicant for this same use.
13. Renter agrees to comply with all applicable state and federal laws while using water under this agreement.
14. Renter agrees to hold the Board, the Director and the state of Idaho harmless from all liability on account of negligent acts of the renter while using water.
15. Renter acknowledges and agrees that the Director may terminate diversion of water if the Director determines there is not a sufficient water supply for the priority of the right or portion thereof being rented.
16. Failure of the renter to comply with the conditions of this agreement is cause for the Director to rescind approval of the rental agreement.

Idaho Department of Water Resources Receipt

Receipt ID: C091321

Payment Amount \$1,659.70 Date Received 7/12/2010 12:02 PM Region STATE

Payment Type Check Check Number 14796

Payer MIKE TELFORD AGRICULTURE

Comments 34-7092

Fee Details

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$1,659.70	WATER BANK-DEPARTMENT SHARE	55109	0229	21		1205

SR7

Signature Line (Department Representative)