

Robertson, Jean

From: Peppersack, Jeff
Sent: Tuesday, July 03, 2007 10:25 AM
To: Robertson, Jean
Cc: Skaggs, Pam
Subject: RE: Water Right Split Clarification (Large property sale WR's 36-2268A, 36-10090)

Jeanie,
 I'm going from memory, but I recall that the decree included lands owned by BLM and Young. Young sold land to Woodland and conveyed more of the water right than they actually owned (due to BLM's share). That left nothing for Young. If BLM already signed off, then Woodland probably needs to sign off on any transfer in Young's name that would include Woodlands water right. If the agreements provide the sign-off, then we're probably ok.

I don't think we need to put the rights back together. Just split Woodland's rights and adjust the numbers accordingly - document the changes in your memo.

Jeff

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

From: Robertson, Jean
Sent: Tuesday, July 03, 2007 9:27 AM
To: Peppersack, Jeff
Subject: RE: Water Right Split Clarification (Large property sale WR's 36-2268A, 36-10090)

Jeff,
 Yesterday, Jason brought over a signed transfer regarding these rights from the BLM for their 32 acres. He also brought copies of the transfers by S & R Investments and the Woodlands that are signed by the BLM. Will this be enough, when considered with the agreements they all signed, to either put the rights back together and let the transfers split them or to correct the numbers in the current splits and then let the transfers split the Woodland portions (36-16455 and 36-16457) again to give the BLM their part? Which would be the best way to go? He thought it was mostly getting the BLM on board to get these resolved, but if you think we need the Woodlands and the Youngs to sign off on the BLM transfer and each others, he said they were willing to come in and sign.

BTW, I got a call from the BLM today saying they were ready to issue a Special Use Permit to the Woodlands but won't do it till their right is in the BLM's name. I guess the transfers are what will accomplish this so they will have to wait till they are processed and approved?

Jeanie

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

From: Peppersack, Jeff
Sent: Wednesday, June 06, 2007 5:14 PM
To: Robertson, Jean
Subject: RE: Water Right Split Clarification (Large property sale WR's 36-2268A, 36-10090)

Jeanie,
 I spoke with John Homan about this. The problem with the agreement is that it does not identify where the 26.7 acres comes from. The agreement suggests that the 26.7 acres comes from Woodland and/or BLM acres. Without other documentation, we can only assume BLM owns their proportional amount of each water right.

It appears that S & R incorrectly deeded too much water to Woodland. Apparently, S & R didn't have 4.11 and 1.04 to convey because BLM owns some of those water rights (unless they can produce an agreement with BLM showing total ownership of the water rights was by S & R). S & R could work out a correction deed with Woodland to show that they retain 26.7 acres and 0.38 cfs (and 0.10 cfs) from the 269 acres appurtenant to the land deeded to Woodland rather than as shown on the current deed conveying too much. A quit claim deed

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from Woodland to S & R conveying back 26.7 acres and whatever balance in cfs that would not be part of their resultant 242.3 acres (269 - 26.7).

Jeff

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

From: Robertson, Jean

Sent: Wednesday, June 06, 2007 3:55 PM

To: Peppersack, Jeff

Subject: FW: Water Right Split Clarification (Large property sale WR's 36-2268A, 36-10090)

Jeff,

Jason just sent me this...would something like this do it for us? Jeanie

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

From: Jason [mailto:jason.helms@brockwayeng.com]

Sent: Wednesday, June 06, 2007 3:45 PM

To: Alan Woodland; maria young; Steven D. Young

Cc: lisa_jaro@blm.gov; Robertson, Jean

Subject: Water Right Split Clarification (Large property sale WR's 36-2268A, 36-10090)

Hi folks,

The Idaho Department of Water Resources is having trouble splitting the Large property water rights properly (I expect due to BLM land overlap). Subsequent revisions in the proposed BLM portion have added to this confusion and this agreement should remove this difficulty. With your signatures, the attached water right split clarification should allow IDWR to process this water right split properly and easily.

Please review, affix a notarized signature and return to my office at your convenience. If there are any questions don't hesitate to call.

Thanks,

Jason

Jason C. Helms, P.E.
Brockway Engineering, PLLC
2016 Washington Street North, Suite 4
Twin Falls, Idaho 83301
(208) 736-8543
jason.helms@brockwayeng.com