

MEMORANDUM

DATE: September 2, 2003

TO: File

FROM: Jennifer Crabtree, Technical Records Specialist

RE: Incorrect split of 22-7336

Per ownership change from Smith - Sipherd, I split 22-7336 into 22-13272, 22-13273. Allen Ruberry informed me this was a mistake because the Smith's have been illegally irrigating property not part of the original license. It was this illegally irrigated property that was purchased by the Sipherds. Therefore, I had Dave Grindle delete the splits and informed the claimants of the error.

10/6/03 MR. SIPHERD CALLED. DISCUSSION AS TO WHY THE SPLITTING OF THIS WATER RIGHT WAS REVOKED. THE REASON: MR. SIPHERD BOUGHT THE LAND FROM A. LYLE SMITH'S FATHER SOMETIME AROUND 1974. MR. SMITH'S WELL WAS DRILLED CIRCA 1980 (PRIORITY DATE). ACCORDING TO THE LICENSE FROM THE SIPHERD PARCELS (ONE NORTH AND ONE SOUTH) WERE NOT INCLUDED IN THE RECOMMENDATION FOR THE LICENSE, ALTHOUGH, ACCORDING TO MR. SMITH THOSE SLIVERS' HAVE RECENTLY BEEN IRRIGATED.

ANALYSIS: MR. SIPHERD BOUGHT THE LAND CIRCA 1974. APPARENTLY NO WATER RIGHT ATTACHED.

MR. SMITH DRILLED THE WELL CIRCA 1980. THE SLIVERS OF MR. SIPHERD'S WERE NOT INCLUDED IN THE LICENSE EXAM. BUT, MR. SMITH DOES ADMIT HE HAS BEEN IRRIGATING THEM SINCE HE HAS BEEN 'RENTING/LEASING' THE GROUND.

REVOCATION OF THE SPLIT:

1. THERE WAS NEVER A WATER RIGHT APPURTENANT TO THE LANDS. ALTHOUGH IRRIGATED ILLEGALLY BY MR. SMITH THE LAND IS OWNED BY SIPHERD. AN ENLARG CLAIM IS NOT POSSIBLE.