

Carlsen, Ernie

From: Baxter, Garrick
Sent: Thursday, May 17, 2007 11:58 AM
To: Carlsen, Ernie
Subject: RE: Mountain Valley Estates

Hi Ernie,

If you were to ask me whether IDWR can process a particular ownership changed based upon a single document or multiple documents, I would say that it is my belief that it does not make a difference whether a water right holder transfers the water right by one document or multiple documents. The key is that the owner of the water right as show in the deed needs to sign some document saying they are transferring all their interest in the water to the association. The key is the language used, not so much whether it is one or more documents. Hope this helps.

Thanks,
Garrick

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

From: Carlsen, Ernie
Sent: Wednesday, May 16, 2007 2:50 PM
To: Baxter, Garrick
Subject: Mountain Valley Estates

Garrick, I have been contacted by a real estate agent from Driggs who is working with the lot owners in Mountain Valley Estates. The 40 acres in this subdivision constitutes the POU for 22-208E which is recommended in the name of Vaughn Nelson. The POU was subdivided into 8 lots each owned separately. We have received warranty deeds from all the lot owners and the deeds clearly state water rights were conveyed in the sale. However, rather than dividing the water right eight times we have suggested they form a water user association. My question concerns conveying the water right from the property owners to the association. I understand the lot owners have formed an association with is now registered with the Secretary of State. Can the water right be conveyed with a single document signed by all the lot owners or do we need a separate document (deed or quitclaim) from each lot owner? What is the simplest way to accomplish this transaction?

thanks
Ernie

5-17-07
per Ernie
Once we get the
home owners association
document, we can
put this water right
into name of
Mountain Valley Estates.
jen